

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

CrI.O.P.Nos.27388, 26450, 26453, 26456, 27391, 27395,
27397, 27418, 27424, 27428 and 27434 of 2019
and

CrI.M.P Nos.14556, 14141, 14143,14147, 14557,14558,
14560, 14576,14579, 14581 and 14585 of 2019

CrI.O.P Nos.27388, 26450,26453, 27391, 27424 of 2019

1. M/s.Kalifa's Papers
Represented by its Authorised Signatory
Mohammed Thaslim
51/2, Anderson Street,
Chennai-1.
2. Mausudha Begum
Proprietrix M/s.Khalifa's papers
51/2, Anderson Street,
Chennai-1. ... Petitioners

Vs.

S.Valliyappan, Proprietor
M/s.Valcos Papers
No.19/4, Stringer Street,
Broadway, Chennai-108.

... Respondent

CrI.O.P Nos. 27397 and 27428 of 2019

1. M/s.University Papers
Represented by its Proprietor Mohammed Thaslim
51/2, Anderson Street,
Chennai-1.
2. Mohamed Thaslim
Authorised Signatory/Proprietor
M/s.University Papers
51/2, Anderson Street,
Chennai-1. ... Petitioners

vs.

V.Valliammal Proprietrix
M/s.Valliammal Agencies
Rep. by Power Agent, Mr.S.Valliayppan
No.19/4, Stringer Street,
Broadway, Chennai-108. ... Respondent

Crl.O.P Nos.26456, 27418 of 2019

1. M/s.Kalifa's Papers
Represented by its Authorised Signatory
Mohammed Thaslim
51/2, Anderson Street,
Chennai-1.
2. Mausudha Begum
Proprietrix M/s.Khalifa's papers
51/2, Anderson Street,
Chennai-1. ... Petitioners

vs.

V.Valliammal Proprietrix
M/s.Valliammal Agencies
Rep. By Power Agent, Mr.S.Valliayppan
No.19/4, Stringer Street,
Broadway, Chennai-108. ...Respondent

Crl.O.P No.27395 and 27434 of 2019

1. M/s.University Papers
Represented by its Proprietor Mohammed Thaslim
51/2, Anderson Street,
Chennai-1.
2. Mohamed Thaslim
Authorised Signatory/Proprietor
M/s.University Papers
51/2, Anderson Street,
Chennai-1. ... Petitioners

vs.

S.Valliyappan, Proprietor
M/s.Valcos Papers
No.19/4, Stringer Street,
Broadway, Chennai-108. ...Respondent

COMMON PRAYER: Criminal Original Petitions are filed under Section 482 of the Code of Criminal Procedure, praying to call for the records relating to the orders dated 17.09.2019 made in CrI.M.P No.2743 of 2019 in CC No.3052 of 2012, in CrI.M.P No.2725 of 2019 in CC No.3051 of 2012, CrI.M.P No.2732 of 2019 in C.C No.1418 of 2012, CrI.M.P No.2741 of 2019 in C.C No.87 of 2013, CrI.M.P No.2740 of 2019 in C.C No.84 of 2013, CrI.M.P No.2739 of 2019 in C.C No.3054 of 2012, CrI.M.P No.2736 of 2019 in C.C No.1416 of 2012, CrI.M.P No.2730 of 2019 in C.C No.1423 of 2012, CrI.M.P No.2726 of 2019 in C.C No.1417 of 2012, CrI.M.P No.2742 of 2019 in C.C No.3053 of 2012, CrI.M.P No.2728 of 2019 in C.C No.3049 of 2012, on the file of the Court of Metropolitan Magistrate, Fast Track Court at Magistrate Level-IV, George Town, set aside the same and allow the MP.

For Petitioner : Mr.M.Devaraj

C O M M O N O R D E R

These petitions have been filed challenging the orders dated 17.09.2019 made in CrI.M.P No.2743 of 2019 in CC No.3052 of 2012, in CrI.M.P No.2725 of 2019 in CC No.3051 of 2012, CrI.M.P No.2732 of 2019 in C.C No.1418 of 2012, CrI.M.P No.2741 of 2019 in C.C No.87 of 2013, CrI.M.P No.2740 of 2019 in C.C No.84 of 2013, CrI.M.P No.2739 of 2019 in C.C No.3054 of 2012, CrI.M.P No.2736 of 2019 in C.C No.1416 of 2012, CrI.M.P No.2730 of 2019 in C.C No.1423 of 2012, CrI.M.P No.2726 of 2019 in C.C No.1417 of 2012, CrI.M.P No.2742 of 2019 in C.C No.3053 of 2012, and CrI.M.P No.2728 of 2019 in C.C No.3049 of 2012, on the file of the Metropolitan Magistrate, Fast Track Court at Magistrate Level-IV, George Town, Chennai and set aside the same.

2. In all these petitions, the rejection of the petitioners' application under Section 311 r/w 315 of Cr.P.C had been challenged. The trial Court, had observed that the questioning of accused under Section 313 (1)(b) of Cr.P.C was made way back on 04.11.2015 and the accused have also filed the list of witnesses on 25.11.2015. Since the petitioners had chosen to file the present applications after the lapse of 3-1/2 years from

the examination of DW1, the trial Court had come to a conclusion that the application has been made only to protract the proceedings. In normal circumstances, this Court will not interfere with the findings of the trial Court when there is no infirmity in the same. Nevertheless, this Court is also taking into consideration the fact that by allowing the petition to reopen the defence side evidence and permit the accused to give evidence and to mark relevant documents on the defence side, it would also help the trial Court to come to a just and fair conclusion. At the same time, this Court will not be instrumental in adding up to the delay to the proceedings before the trial Court and therefore, if such an opportunity is extended to the petitioner by fixing a time limit for completion of the evidence, the ends of justice would be secured.

3. In the light of the above observation, the impugned orders dated 17.09.2019 on the file of the Metropolitan Magistrate, Fast Track Court at Magistrate Level-IV, George Town are set aside. Consequently, the learned Metropolitan Magistrate, Fast Track Court at Magistrate Level-IV, George Town, Chennai shall permit the petitioners to reopen the defence side evidence and give evidence as well as mark the relevant documents on the defence side, which shall be completed atleast before 08.11.2019. It is made clear that the petitioners herein shall not be entitled for further extension of time on the same.

4. With the above observations, all the Criminal Original petitions stand disposed of. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS)

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Sub Assistant Registrar

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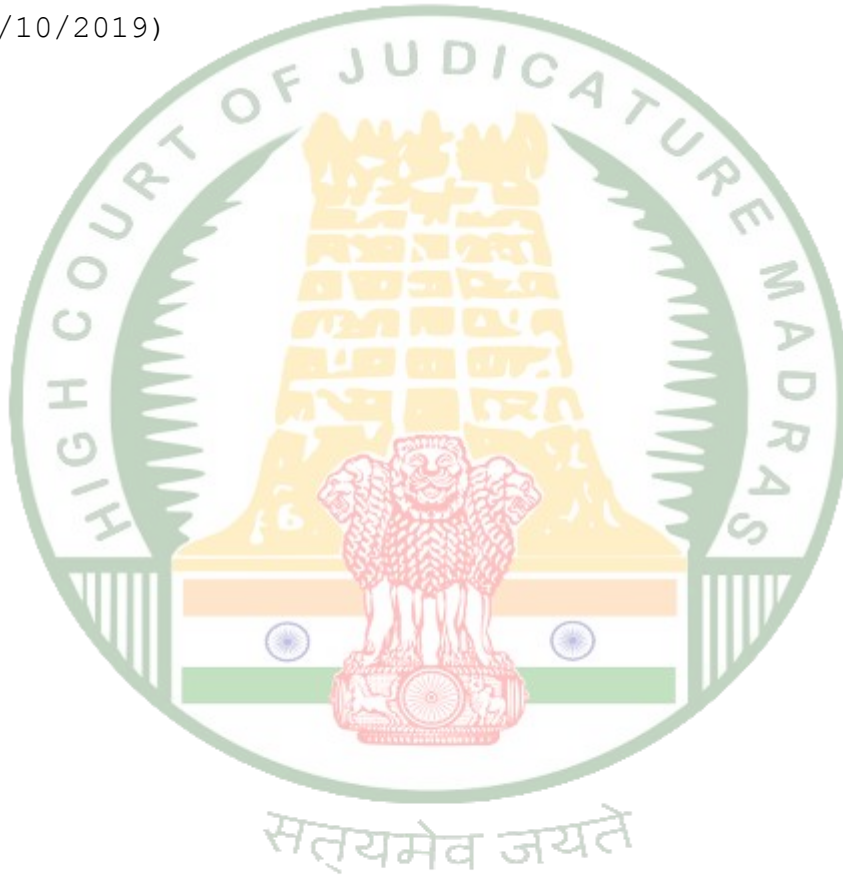
To

The Metropolitan Magistrate,
Fast Track Court at Magistrate Level-IV,
George Town, Chennai.

+2ccs to Mr.M.Devaraj , Advocate SR.No. 89927,89928

CrI.O.P.Nos.27388, 26450, 26453,
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A.SK(31/10/2019)



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