IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.26901 of 2019

Dr.Raj kumar ...Petitioner /Accused

Vs

State by
Assistant Commissioner of Police,
Cyber Crime Cell, CCB,
Egmore, Chennai ...Respondents/complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to the Impugned Dismissal Order in Crl.M.P.No.5466 of 2019 in CC.No.520 of 2008, dated 17.08.2019 on the file of the Judicial Magistrate at Alandur and set aside the same and permit the petitioner to recall PW16 Dr.Balasubramanian for the purpose of further cross examination and marking of the document runs into 534 pages filed by the respondent/complainant on 25.1.2019 which was marked as Defence Exhibit D7 series on 20.09.2019.

For Petitioner :M/s.S.Xavier Felix

For Respondents: Mr.C.Iyyapparaj
Additional Public Prosecutor

For Defacto Complainant: Mr. D.Nagesh Babu

O R D E R

I do not find any infirmity in the order dated 17.08.2019 rejecting the petitioner's request to recall PW16, since it is seen that pursuant to the order of this Court dated 27.08.2019 in Crl.O.P.No.23071 of 2019, the petitioner was granted liberty to recall PW25 and mark the case sheet documents of 534 pages. It is also represented that pursuant to the order of this Court, PW25 was recalled and that the case sheet documents of 534 pages

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have also been marked. While that being so, the recall of PW16 is not only inappropriate but also would further cause delay to the proceedings.

2.In the earlier order of this Court dated 27.08.2019 the trial Court was directed to complete the proceedings within a period of six weeks from the date of receipt of a copy of this order. Though the six weeks period had lapsed, it is stated that the proceedings are now at the arguments stage. In these circumstances, the trial Court shall endeavour to complete the entire proceedings atleast within two weeks from the date of receipt of a copy of this order.

3. With these above observations, this Criminal Original Petition stands dismissed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

vsn/dna

To

The Assistant Commissioner of Police,
Cyber Crime Cell, CCB,
Egmore, Chennai

+1 cc to Mr.S.Xavier Felix Advocate sr95176
+1 cc to Mr.D.Nagesh Babu Advocate sr94467

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