

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2019

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO.18692 OF 2017

AND

CRL.M.P.NO.11376 OF 2017

Johnson

... Petitioner/Petitioner/
Accused

Vs.

The State Rep. by
Inspector of Police,
Bagayam Police Station,
Vellore District.

... Respondent/Respondent/
Complainant

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in pursuant to Cr.M.P.No.152 of 2017 in C.C.No.114 of 2015 on the file of the Judicial Magistrate - I, Vellore, Vellore District vide order dated 27.02.2017 and set aside the same, and permit the petitioner to cross examine PW1 and PW2.

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the entire records in pursuant to the order dated 27.02.2017 made in Cr.M.P.No.152 of 2017 in C.C.No.114 of 2015 on the file of the Judicial Magistrate - I, Vellore, Vellore District and set aside the same, and permit the petitioner to cross examine PW1 and PW2.

2. The learned counsel for the petitioner submitted that the matter ended in compromise with the defacto complainant, therefore, to record the statement of compromise, it is necessary to recall PW1 alone.

3. Considering the above facts and circumstances of the case, the order dated 27.02.2017 passed in Cr.M.P.No.152 of 2017 in C.C.No.114 of 2015 on the file of the Judicial Magistrate - I, Vellore, Vellore District, is hereby set aside and the petitioner is permitted to cross examine PW1 to record the compromise.

4. Accordingly, this Criminal Original Petition is disposed of, and the learned Judicial Magistrate - I, Vellore, is directed to issue summons to PW1 alone to record the compromise between the petitioner and the defacto complainant on the next hearing date, and on failure of the appearance of PW1, the Trial Court is directed to proceed the trial in accordance with law. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

raja

To

1. The Judicial Magistrate No.1,
Vellore.
2. Inspector of Police,
Bagayam Police Station,
Vellore District.
3. The Public Prosecutor
High Court, Madras.

सत्यमेव जयते

Cr1.O.P.No.18692 of 2017
and
Cr1.M.P.No.11376 of 2017

CS/25/03/2019

WEB COPY