



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.29233 of 2019

Bhavika M.Jain

...Petitioner/Complainant

Vs

S.Annamalai

...Respondent/Accused

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the docket order dated 06.08.2019 passed in C.M.P.No.unnumbered of 2019 in C.C.No.1809 of 2011 on the file of the learned FTC-1, Metropolitan Magistrate, Egmore at Allikulam, Chennai 3 allowing the application filed under Section 311 of Cr.P.C.

For Petitioner : Mr.Hasan Mohamed Jinnah

O R D E R

The order of the Trial Court, allowing the 311 application, is under challenge in the present petition.

2. A perusal of the order reveals that both the parties were absent and without assigning any reasons, the application under Section 311 came to be allowed.

3. Under Section 311 Cr.P.C, whenever the Court is of the view that the evidence of the applicant appears to be essential to the just decision of the case, such a request can be considered. In the instant case, the impugned order does not reveal as to how the evidence of the witness appear to be essential to be the just decision of the case and in absence of the same, it may not be permitted to be a speaking order.

4. On this short ground, the impugned order dated 06.08.2019 passed in C.M.P.No.Unnumbered of 2019 in C.C.No.1809 of 2011, is set aside and the matter is remanded back to the FTC-I, Metropolitan Magistrate Court, Egmore, Chennai for fresh consideration. The Trial Court shall endeavour to dispose of the application, as expeditiously as possible, after giving due opportunity to the petitioner herein as well as the accused.



5. The Criminal Original Petition stands disposed of accordingly.

WEB COPY

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jas/hvk

To

1.The Fast Track Court I
Metropolitan Magistrate,
Egmore, Allikulam,
Chennai 3.

+1 CC to Mr.A. Damodaran, Advocate sr 91163.

Crl.O.P.No.29233 of 2019

SJ(CO)
SP(11/12/2019)