

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Cr1.O.P.No.30388 of 2019

J.P.Nagarajan

...Petitioner

Vs.

1.Sri Nandhanam Educational &
Social Welfare Trust,
Rep, by its Chairman,
Mr.P.M.M.Nandha Gopal
Registered Office No.1841/1 China Kadai Street,
Tirupathur, Vellore District.

2.Mr.P.M.M.Nandha Gopal
3.Mr.N.Vijayalakshmi
4.Mr.P.N.Saravanan
5.P.N.Sankar
6.V.N.S.Arunadevi Janaki

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the entire records comprised in S.T.C.No.16 of 2012 and set aside the order dated 10.08.2019 made by the learned Judicial Magistrate No.I, Fast Track Court, Dharmapuri District.

For Petitioner : Mr.Rathina Asohan

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O R D E R

The order under challenge in the present petition is a docket order returning the petitioner's request to permit the power agent for cross examination. By an order dated 10.08.2019, the Trial Court had returned the application, by observing that PW1 has filed a proof affidavit and therefore, the power agent can be cross examined as PW2.

2. In case, the Trial Court is of the view that the petitioner cannot be cross examined as PW1, it would have been appropriate that such an order be passed, thereby giving an opportunity to the petitioner to challenge such an order. As such, returning the application with a docket order by making

observations on the merits of the claim made by the petitioner, will not only be improper, but is also not permissible in law.

3. In the light of the above observation, the impugned docket order dated 10.08.2019 is set aside and the matter is remanded back to the learned Judicial Magistrate, Fast Track Court, Dharmapuri, for fresh consideration of the petitioner's request. The Trial Court shall endeavour to dispose of the petitioner's application as expeditiously as possible, by taking the same on file.

4. Accordingly, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

hvk

To

The Judicial Magistrate,
Fast Track Court,
Dharmapuri.

+1cc to Mr.Rathina Asohan, Advocate, SR.No.94721.

Crl.O.P.No.30388 of 2019

RP (CO)
CSR(12/12/2019)

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