

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.OP.No. 25388 of 2018

M. Srinivasan

...Petitioner

-Vs-

R. Balakrishnan

...Respondent

Prayer: Criminal Original Petitions filed under Section 482 of Cr.PC to set aside the common order dated 23.07.2018 passed in Crl.MP.No. 881 of 2018 in C.c. NO. 7537 of 2004 by the learned XI Metropolitan Magistrate, Saidapet, Chennai

For Petitioner : M/s. Govind Chandrasekhar

For Respondent : Mr.M.Sivavarthanan

ORDER

The prayer sought for in the present petition is to set aside the common order dated 23.07.2018 passed in Crl.MP.No. 881 of 2018 in C.c. NO. 7537 of 2004 by the learned XI Metropolitan Magistrate, saidapet, Chennai

2. Heard both sides and perused the documents available on record.

3. It is seen that the petitioner was holding the position as Advisor and Co-Trustee of Sri Prasanna Venkata Narasimha Perumal Temple at Saidpet till April 2001 and presently he is the Secretary of the Association viz., Baliya Chett Association. The complainant has lodged a complaint against the respondent herein and others alleging misappropriations of amount of Rs.60,00,000/- belonging to the said temple. The said complaint was registered in Crime No. 719 of 2001 for the offences under Section 420,423, 465, 471 of IPC and under Section 406 IPC r/w. 120(B) IPC and the same pending trial in C.C. No. 4133 of 2004 on the file of the learned XI Metropolitan Magistrate, Saidapet.

4. In the said complaint the petitioner has filed a Petition in CMP. No. 881 of 2018 under Section 31 I Cr.PC to recall the PW1 for further examination. The trial Court by observing that the the

the list of proposed witnesses from the side of the complainant has not been finalised and it is not inconsonance with the concept of speedy trial has dismissed the said petition. To set aside the said order passed by the trial Court, the present petition has been filed.

5. Considering the facts and circumstances of the case, this Court is of the view that the trail Court has rightly disposed of the petition filed by the petitioner under Section 311 Cr.PC, which has been filed after 14 years. There is no irregularity or infirmity in the order passed by the trial Court.

In view of the above, the present Criminal Original Petition stands dismissed.

-sd-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

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To

The XI Metropolitan Magistrate,
saidapet, Chennai

+1 CC to M/S.M.SIVAVARTHANAN Advocate SR.NO.35050/2019

Cr1.OP.No. 25388 of 2018

cm 12/06/2019

सत्यमेव जयते

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