

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.01.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.30340 of 2018
and CrI.M.P.No.17878 of 2018

K.Palani

... Petitioner/Respondent

Vs

Ramani

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records and set aside the order passed by the learned Judicial Magistrate No.1, Kanchipuram, Kanchipuram District passed in CMP No.4725 of 2018 in D.V.No.12 of 2014 dated 03.12.2018.

For Petitioner : Mr.T.R.Ravi

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the petition filed by the petitioner under Section 311 of Cr.P.C., to permit the petitioner to examine the witness as RW2.

2.The respondent has filed a petition before the Court below seeking for maintenance under Section 125 of Cr.P.C. This petition has been filed in the year 2014. The case is pending for the last four years at the stage of trial. Admittedly, the petitioner has examined himself as RW1 and he has also been cross-examined by the respondent. The petitioner has filed this petition to examine RW2 only on the ground that he was attacked by the respondent and he had sustained head injury and because of the attack, he has become dysfunctional and he is unable to carry on with his work.

3. The Court below has dismissed the petition after giving a clear finding that if really the petitioner was attacked and he had sustained head injury, a police complaint would have been given. However, in this case, no such complaint was given. That apart, the petitioner has not mentioned anything about the

alleged attack in the counter filed in the Maintenance Case. Therefore, the Court below did not find any reason to permit the petitioner to examine RW2 on the side of the petitioner.

4. This Court does not find any illegality or infirmity in the order passed by the Court below. The purpose for which the petitioner wants to examine RW2, will not have any bearing in the Maintenance Case filed by the respondent.

5. In the result, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kal/ssr

To

1. The Judicial Magistrate No.1,
Kanchipuram,
Kanchipuram District.
- 2.-do- 'Thro' Chief Judicial Magistrate,
Kanchipuram.

+1cc to Mr.T.R.Ravi, Advocate, S.R.No.618

Crl.O.P.No.30340 of 2018
and

Crl.M.P.No.17878 of 2018

CP(CO)
GSP(29/01/2019)

सत्यमेव जयते

WEB COPY