



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

CORAM

WEB COPY

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

Crl.O.P.No.5459 of 2019

and

Crl.M.P(MD)No.3441 of 2019

1.Javahir Begum

2.Farook Basha

.. Petitioners/Accused 1 to 2

Vs.

Murali Kannan

.. Respondent/Complainant

Prayer:Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the order in Crl.M.P.No.954 of 2019, dated 12.03.2019 in S.T.C.No.558 of 2015, on the file of the learned Judicial Magistrate No.I, FTC AT Madurai and set aside the same as illegal.

For Petitioners

: Mr.Ayyanar Prem Kumar

ORDER

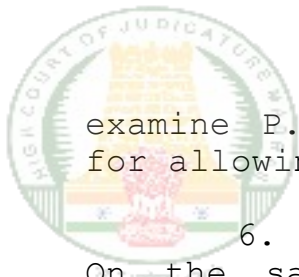
This petition has been filed challenging the order passed by the learned Judicial Magistrate No.I, FTC AT Madurai, in Crl.M.P.No.954 of 2019 in S.T.C.No.558 of 2015, dated 12.03.2019.

2.The petitioners are A1 & A2 in S.T.C.No.558 of 2015 and facing trial for the offence under Sections 138 & and 142 IPC. The case was instituted in the year 2014. The prosecution evidences were closed in the year 2018. Particularly, P.W.1 was examined on 11.04.2018. However, till date no cross examination was conducted.

3. For the purpose of cross examination, earlier the petitioners filed a petition in S.T.C.No.558 of 2015 to recall and cross examine P.W.1 and the same was dismissed by an order dated 12.03.2019 by the Court below.

4. The petitioners did not properly avail the said opportunity and they did not cross examine the witnesses. The only reason given by the petitioners for not cross-examining the witnesses was that they have engaged a new counsel.

5. This Court does not find any illegality or infirmity in the order passed by the Court below. However, in order to afford one more opportunity to the petitioner, this Court deems it fit to permit the petitioners to cross examine P.W.1/Defacto complainant. The order of the Court below in Crl.M.P.No.954 of 2019 is hereby set aside and the petitioners are permitted to recall and cross



examine P.W.1/Defacto complainant. No prejudice to the respondent for allowing him for cross examination.

6. The trial Court has fixed hearing date on 23.04.2019. On the same day, the petitioners should be cross examine the witnesses, without any further adjournment.

7. The petitioners shall pay the cost of Rs.7,500/- (Rupees Seven Thousand and Five hundred only) to P.W.1/Defacto complainant, when he come for giving evidence.

8. This Criminal Original Petition stands allowed with the above direction. Consequently, CrI.M.P(MD)No.3441 of 2019 is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS III)

To

1.The Chief Judicial Magistrate, Madurai.

2. The Judicial Magistrate No.I, FTC AT,
Madurai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.AYYANAR PREM KUMAR, Advocate (SR-60357[F] dated
11/04/2019)

**CrI.O.P.No.5459 of 2019
and**

**CrI.M.P(MD)No.3441 of 2019
11.04.2019**

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