



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

Crl.O.P. (MD) .No.13647 of 2019

and

Crl.M.P. (MD) No.8317 of 2019

1.Maruvur Arasi Modern Rice Mill,
Palayamkottai Road,
Near Rajarajeswari Hr.Sec. School,
Kangeyam, Tiruppur District.

2.Thangaraj

... Petitioners

Vs.

Raja

... Respondent

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to to set aside the order in C.M.P.No.2770 of 2019 in S.T.C.No.960 of 2018 dated 06.07.2019 passed by the Learned Judicial Magistrate No.II, Kulithalai, Karur District, by allowing this Criminal Original Petition.

For Petitioners : Mr.R.Aravindraaj

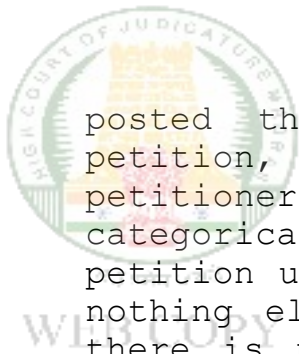
O R D E R

This petition has been filed to quash the order in C.M.P.No.2770 of 2019 in S.T.C.No.960 of 2018, dated 06.07.2019 passed by the Learned Judicial Magistrate No.II, Kulithalai, Karur District, thereby dismissing the application filed by the petitioner under Section 311 Cr.P.C, to re-call the witness -P. W.1.

2. The learned counsel for the petitioners would submit that the second petitioner / Thangaraj, already paid a sum of Rs.1,00,000/- (Rupees One Lakh only) on 31.07.2018 and the said fact has not been illustrated by P.W.1 and therefore, he filed a petition under Section 311 Cr.P.C. to re-examine P.W.1.

3. Heard the learned counsel for the petitioners and perused the materials available on record.

4. On perusal of the records it reveals that the petitioner only cross-examined P.W.1 at the fag end of the trial. After



posted the matter for arguments, the petitioner filed this petition, to recall P.W.1. It is also seen that already, the petitioner questioned under Section 313 Cr.P.C., in which, he categorically admitted the liability. Therefore, the present petition under Section 311 Cr.P.C., is to drag on the proceedings, nothing else and therefore, there is no merit in this case and there is no illegality or infirmity in the order passed by the learned Judicial Magistrate No.II, Kulithalai, Karur District,

5. Hence, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

Ls

To

The Judicial Magistrate No.II,
Kulithalai,
Karur District,

+1 CC to M/s.RM.SIVAKUMAR, Advocate (SR-96709[F] dated 07/11/2019)

+1 CC to M/s.R.ARAVIND RAJ, Advocate (SR-96807[F] dated 07/11/2019)

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KM/ (29.11.2019) 2P 4C