



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.10.2019
CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD).No.11410 of 2018

and

Crl.M.P(MD)No.5193 of 2018

Balu

... Petitioner

Vs.

The Inspector of Police
District Crime Branch
Sivagangai

... Respondent

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to set aside the order dated 20.02.2018 made in Crl.M.P.No.4893 of 2017 on the file of the learned Judicial Magistrate No.II, Sivagangai.

For Petitioner : Mr.V.Malaiyendran

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate(Crl.Side)

O R D E R

This Criminal Original petition has been filed to set aside the order dated 20.02.2018 made in Crl.M.P.No.4893 of 2017 on the file of the learned Judicial Magistrate No.II, Sivagangai.

2. It is seen that the petitioner was charged for the offences under Sections 406, 420 of IPC on the basis of the complaint filed by one Sampath. Further the case is taken of file in C.C. No.70 of 2013 and some of the witnesses have been examined. PW.1 was examined in Chief on 20.12.2016 and PW2. and 3 were examined in chief on 20.12.2016. But the petitioner has not cross examined the witnesses on the same day when they are examined in chief. Under such circumstances he has filed an application before the learned Judicial Magistrate No.II, Sivagangai to cross the prosecution witnesses. But the trial court after careful examination dismissed the petition on the ground that though sufficient opportunity given to the petitioner, he did not cross examine the witnesses and only to drag on the proceedings he has filed the petition.

3. Hence this Court finds no infirmity or illegality in the order passed by the Court below.



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4. In the result, this Criminal Original Petition stands dismissed. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Judicial Magistrate No.II,
Sivagangai
2. The Inspector of Police
District Crime Branch
Sivagangai
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

Crl.O.P(MD) No. 11410 of 2018
23.10.2019

AAV

MK (14.11.2019) 2P 4C