

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2020

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.315 of 2020

J.Benjamin Jacob

... Petitioner/Accused

Vs

K.Venukadevi

... Respondent/Complainant

PRAYER:

Criminal Original Petition filed under Section 482 of Cr.P.C, praying, directing the respondent/complainant to cross examine and to set aside the order dated 11.12.2019 in Crl.M.P.No.9430 of 2019 in C.C.No.32 of 2006 passed by the Judicial Magistrate No.I, Pollachi.

For Petitioner : Mr.A.Saravanan

For Respondent : Mr.D.R.Arun Kumar

ORDER

This Criminal Original Petition has been filed challenging the order passed in Crl.M.P.No.9430 of 2009 in C.C.No.32 of 2006 dated 11.12.2019, thereby dismissing the petition filed by the petitioner under Section 311 of Cr.P.C to cross examine the P.W.1.

2. Heard Mr.A.Saravanan, learned counsel for the petitioner and Mr.D.R.Arun Kumar, learned counsel for the respondent.

3. The Calender Case is of the year 2006. P.W.1 was already examined on 10.08.2007 again he was recalled, upon the petition filed by the petitioner herein and cross examined on 27.02.2008. Thereafter, he filed a petition to quash the entire proceedings.

4. Suppressing the fact that already the trial has commenced and P.W.1 has been examined, Crl.O.P.No.17892 of 2010 has been filed, but however, the same was dismissed by an order dated 19.09.2017 as withdrawn. While dismissing the quash petition, this Court directed the trial Court to complete the trial within a period of six months from the date of receipt of a copy of this order. Now after a period of 14 years, again the petitioner has filed this petition to recall P.W.1.

5. The learned counsel for the respondents has submitted that the matter has been posted for arguments. At this stage, the petitioner has filed a quash petition, transfer petition and also filed a petition to recall P.W.1. Therefore, all the petitions are nothing but clearly an abuse of process of law.

6. As rightly pointed out by the learned counsel for the respondent, the petitioner is keeping on filing the quash petition, transfer petition and recall petition only to drag the proceedings and all the petitions are nothing but clearly an abuse of process of law.

7. Therefore, this Court finds no illegality or infirmity in the order passed by the trial Court. Hence, the order passed by the trial Court is confirmed. However, the learned counsel for the petitioner has submitted that on the side of the respondent no evidence was let in so far.

8. Considering the above facts and circumstances, the petitioner is at liberty to examine himself as a witness on a proper petition and such process should be completed within a period of one month from the date of receipt of a copy of this order. It is also made clear already this Court had directed the trial Court to complete the trial within the stipulated period. However, the said period was over and as such, the trial Court is directed to complete the entire trial within a period of three months from the date of receipt of a copy of this order.

9. In view of the above, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.I, Pollachi

+1cc to Mr.D.R.Arun Kumar, Advocate, S.R.No.21849

Cr1.O.P.No.315 of 2020

MR(CO)
CS/17/03/2020D