

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2020

CORAM:

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

CrI.OP.No.319 of 2020
and CrI.MP.No.205 of 2020

1.K.Palani
2.R.Kamala Kannan
3.K.Kalaimagal

.. Petitioners

-vs-

A.Poovarasi

.. Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 19.12.2019, passed by the learned XVIII Metropolitan Magistrate Court, Saidapet, in C.M.P.No.3987 of 2019 in M.C.No.7 of 2016, to allow the petitioner/respondent to adduce the evidence as examined as witness.

For Petitioners : Mr.N.Alamelu Mangai
For Respondent : No Appearance

ORDER

This petition has been filed challenging the order passed in C.M.P.No.3987 of 2019 in M.C.No.7 of 2016, on the file of the learned XVIII Metropolitan Magistrate Court, Saidapet, Chennai, whereby, dismissing the application filed by the petitioners under Section 311 Cr.P.C. to cross examine the respondent herein.

2. The respondent is the wife of the 1st petitioner herein. She filed a complaint under the Domestic Violence Act in MC.No.11 of 2016 in the year 2016. Thereafter, she was examined as P.W.1 as early as on 18.01.2018. Thereafter, at the request of the learned counsel for the petitioners, the case was adjourned to 03.08.2019 for cross examination of the respondent herein. On that day, i.e. on 03.08.2019, the petitioners have cross examined the respondent herein and thereafter the case was posted for respondents' evidence. Thereafter, it was adjourned on several occasions at request of the counsel for the petitioners herein. Even then, the petitioners did not choose to examine anybody in support of their case and as such the trial

Court posted the matter for arguments. At this stage, the petitioners have filed a petition under Section 311 of Cr.P.C. to reopen the case and also to cross examine in P.W.1. Already the petitioners cross examined P.W.1 and in order to fill up the lacuna, the petitioners attempted to reopen the case under the guise of cross-examination of PW.1. With this view, the trial Court has rightly dismissed this petition filed by the petitioner. Hence, this Court finds no irregularity or informirty in the order by the trial Court.

3. Accordingly, this Criminal Original Petition is dismissed. Since the MC is of the year 2016, the trial Court is directed to complete the trial within the period of three months from the date of copy of this order. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

gbi
To

1. The XVIII Metropolitan Magistrate Court,
Saidapet, Chennai.
2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.319 of 2020

BP (CO)
SP(30/09/2020)

सत्यमेव जयते

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