

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.Nos.1134 & 1136 of 2020 and
Crl.M.P.Nos.715 & 716 of 2020

Crl.O.P.No.1134 of 2020

C.Vaiyapuri ... Petitioner
Vs.
Rajathi Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order of dismissal passed in CMP.No.3287 of 2019 in MC.No.9 of 2019 dated 07.11.2019 on the file of the Judicial Magistrate No.I at Mettur by allowing the present criminal original petition.

For Petitioner : Mr.R.Jayaprakash

For Respondent : No Appearance

Crl.O.P.No.1136 of 2020

C.Vaiyapuri ... Petitioner
Vs.
Rajathi Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order of dismissal passed in CMP.No.3988 of 2019 in MC.No.9 of 2019 dated 19.12.2019 on the file of the Judicial Magistrate No.I at Mettur by allowing the present criminal original petition.

For Petitioner : Mr.R.Jayaprakash

For Respondent : No Appearance

COMMON O R D E R

These criminal original petitions have been filed to set aside the order of dismissal passed in CMP.Nos.3287 and 3988 of 2019 in MC.No.9 of 2019 dated 07.11.2019 and 19.12.2019 on the file of the Judicial Magistrate No.I at Mettur by allowing the present criminal original petition.

2. The learned Counsel appearing for the petitioner would submit that the notice dated 09.06.2014 was not at all

issued by the petitioner to the counsel who is appearing on behalf of the respondent. In this regard, the petitioner wants to cross examine PW1, therefore he filed the said petitions before the court below for recalling P.W.1 and R.W1, which were dismissed. He further submits that while marking Ex.P.5, there was no verification and it was admitted by the petitioner. Thereafter on perusal of the said document, the petitioner found that the said document is fabricated one and also forged his signature.

3.Even after issuing notice to the respondent, no one appeared on behalf of the respondent by person or through pleader.

4.Heard, the learned counsel appearing for the petitioner.

5.It is seen from the document marked as Ex.P.5 as if issued by the petitioner herein is disputed by the petitioner. In this regard, he wants to cross examine PW1 and also wants to recall RW1. Though the petitioner already cross examined PW1, the petitioner may be given one more opportunity to cross examine, and also to recall RW1 only in respect of Ex.P.5 alone. Accordingly, the order dated 07.11.2019 and 19.12.2019, passed by the learned Judicial Magistrate-I, Mettur in CrI.M.P.Nos.3287 & 3988 of 2019 in M.C.No.9 of 2019, are hereby set aside and the petitioner is permitted to cross examine P.W.1 and also examine himself as R.W.1 on the date fixed by the court below on payment of necessary charges. If the petitioner fails to do the same, the trial Court is directed to proceed with trial in accordance with law.

6.With the above directions, these criminal original petitions are allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

Lok

To

The learned Judicial Magistrate-I, Mettur

+2cc to Mr.R.Jayaprakash, Advocate, S.R.No.20536, 20537

CRL.O.P.Nos.1134 & 1136 of 2020

GN(19/03/2020)

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