

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6153 of 2020

S.Dhanraj

... Petitioner/Accused

Vs.

K.Kumaralingam

.... Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.175/2015 on the file of the Judicial Magistrate-II, F.T.C at Magistrate Level, Coimbatore and set aside the order dated 22.08.2019 dismissing the order passed in C.M.P.No.5302 of 2019.

For Petitioner : Mr.K.Balasubramaniam

ORDER

This Criminal Original Petition has been filed challenging the order passed in C.M.P.No.5302 of 2019 dated 22.08.2019 by the Judicial Magistrate-II, Fast Track Court at Magisterial Level, Coimbatore, dismissing the recall petition filed by the petitioner under Section 311 of Cr.P.C for cross examination of P.W.1 on the ground that Non-Bailable Warrant was pending against the petitioner.

2. The learned counsel for the petitioner has submitted that Non-Bailable Warrant has been recalled and the petitioner is regularly appearing before the trial Court.

3. Though this Court is not inclined to set aside the order passed by the trial Court, the petitioner is at liberty to approach the trial Court once again for recalling P.W.1 for cross examination. If any fresh application is filed by the petitioner under Section 311 of Cr.P.C, the trial Court is directed to consider the same and pass appropriate orders on merits in accordance with law.

4. With the above directions, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kv

To

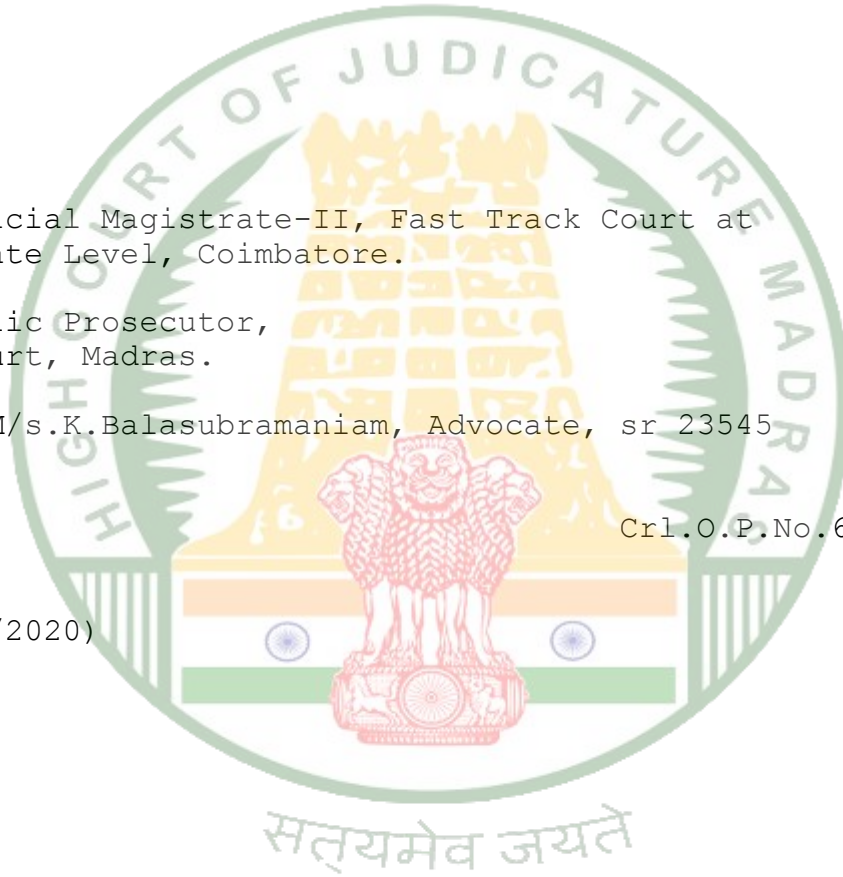
1.The Judicial Magistrate-II, Fast Track Court at
Magistrate Level, Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

+1 CC to M/s.K.Balasubramaniam, Advocate, sr 23545

Crl.O.P.No.6153 of 2020

SAI (CO)
AT (21/05/2020)



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