



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.03.2020

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PRESENT

THE HON`BLE **MR.JUSTICE G.R.SWAMINATHAN**

Crl.O.P(MD) .Nos.2088 and 2089 of 2020
and
Crl.M.P(MD) .No.1051 of 2020

Crl.O.P(MD) .No.2088 of 2020:

1.V.Srinivasan
2.Sarojammal
3.Murugesan

... Petitioners

Vs

S.Nagajothi

... Respondent

PRAYER : Petition is filed under Section 482 of Cr.P.C to set aside the order dated 03.01.2020 made in Cr.M.P.No.916 of 2019 in DVC.No.11 of 2017 on the file of the learned Judicial Magistrate, Vadipatti and to allow the above original petition.

Crl.O.P(MD) .No.2089 of 2020:

1.V.Srinivasan
2.Sarojammal
3.Murugesan

... Petitioners

Vs

S.Nagajothi

... Respondent

PRAYER : Petition is filed under Section 482 of Cr.P.C to set aside the order dated 03.01.2020 made in Cr.M.P.No.917 of 2019 in DVC.No.11 of 2017 on the file of the learned Judicial Magistrate, Vadipatti and to allow the above original petition.

In both petitions

For Petitioners	: Mr.P.Mahendran
For Respondent	: Mr.P.Aju Tagore



COMMON ORDER

The petitioners are figuring as respondents in DVC.No.11 of 2017 on the file of the learned Judicial Magistrate, Vadipatti. The respondent herein is the complainant. After the petitioners' side was closed and the matter was posted for arguments, the petitioners filed two miscellaneous petitions. One for reopening and one for recalling the evidence. Both the miscellaneous petitions suffered dismissal by the impugned orders. Challenging the same, these original petitions have been filed.

2.The learned counsel appearing for the respondent pointed out that the case is pending for several months. Even though the petitioners filed a quash petition and the same was dismissed and the learned Judicial Magistrate,Vadipatti was directed to dispose of the matter in a time bound manner, on account of the delaying tactics adopted by the petitioners herein, the case could not be concluded.

3.I find considerable force in the objections raised by the learned counsel appearing for the respondent. I also feel that the reasons assigned by the learned trial Magistrate are quite justified. Nevertheless, in the interest of justice and to give one final opportunity, I am inclined to show indulgence to the petitioners herein.

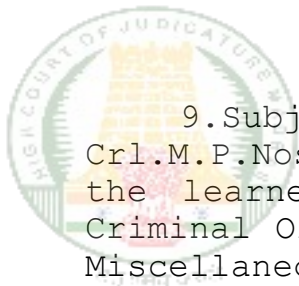
4.The petitioners undertake that the petitioners will not file any more application. The case can be reopened only for the purpose of marking the complaint dated 19.02.2014 said to have been given by the respondent herein. Srinivasan/first petitioner herein alone can be recalled for the said purpose.

5.The undertaking given by the petitioners is placed on record.

6.In view of the same, the impugned orders are set aside. DVC.No.11 of 2017 is allowed to be reopened. Srinivasan/first petitioner herein alone shall be recalled. His recall for the sole purpose of marking the document in question. He will be cross-examined by the complainant on the same day. The contentions regarding the admissibility and proof of said document are left open.

7.The petitioners give further undertaking that on the very next hearing that may be fixed by the Court below, the petitioner will get along with arguments. Under no circumstance, the petitioners will contribute delay the proceedings.

8.I am allowing these original petitions only because the petitioners gave such an undertaking before me. If the undertaking is breached, it is open to the respondent herein to file a contempt



9. Subject to this, both the impugned orders dated 03.01.2020 in Crl.M.P.Nos.916 and 917 of 2019 in DVC.No.11 of 2017 on the file of the learned Judicial Magistrate, Vadipatti are set aside. These Criminal Original Petitions are allowed. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (Crl.Side)

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Sub Assistant Registrar

To

- 1.The Judicial Magistrate, Vadipatti
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
Crl.O.P(MD).Nos.2088 and 2089 of 2020
05.03.2020
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