



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.9295 of 2018
and
CrI. M.P. No. 4908 of 2018

P.Krishnaparamathma ... Petitioner/Petitioner/Accused
Vs.

N.Kathirvel ... Respondent/Respondent/Complainant

Prayer: Petition filed under Section 482 of Cr.P.C., to set aside the order dated 23.02.2018 made in Criminal M.P. No. 8610 of 2017 in S.T.C. No. 862 of 2013 on the file of the Judicial Magistrate-II, Pollachi.

For Petitioner : Mr.D.R.Arun Kumar

For Respondents : M/s.Ma.P.Thangavel

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed by the petitioner under Section 311 of Cr.P.C. to recall PW1 for further cross-examination.

2. The respondent filed a complaint against the petitioner under Section 138 of Negotiable Instruments Act. Thereafter, the respondent filed a reopen petition under Section 311 of Cr.P.C. for recalling PW1 for marking CD disk as electronic evidence. However, the said petition was dismissed. Aggrieved by the same, the present petition has been filed before this Court.

3. The learned counsel for the petitioner submitted that this court may order to reopen PW1 evidence and permit the petitioner to mark certain documents by fixing the date and further issue a direction to the trial Court to complete the trial within the reasonable time as fixed by this Court.



4. The learned counsel for the respondent has no serious objection for the relief sought for by the petitioner.

5. The only ground on which the application has been filed before the Court below is seeking for recalling the PW1 for marking CD disk. Hence, without expressing any opinion, this court is inclined to set aside the order in CrI.MP.No.8610 of 2017 in STC. No.862 of 2013 on the file of the learned Judicial Magistrate-II, Pollachi and the learned Judge shall examine PW1 on 25.09.2021 and on the same day, he may be allowed to mark the certain CD Disk and the respondent shall cross-examine the witness on the same day. Further, the learned Judicial Magistrate shall complete the trial within a period of three months from the date of receipt of a copy of this order.

6. With the above directions, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rli

To

1.The Judicial Magistrate-II,
Pollachi.

2.The Chief Judicial Magistrate,
Tiruppur District (For Information)

+lcc to Mr.D.R.Arun Kumar, Advocate Sr No.45133

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NR (CO)
PR (06/10/2021)