



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.22337 OF 2021

AND

CRL.M.P.NO.12122 OF 2021

P.R.Sivashankar

...Petitioner/Accused

Vs.

Mrs.S.Ganga Gayathri
Represented by her Power Agent
D.Umashankar

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in Crl.M.P. No.918/2021 in C.C. No.54 of 2018, pending on the file of the Judicial Magistrate - Fast Track, Alandur and set aside the order passed by the learned Judicial Magistrate - Fast Track, Alandur in Crl.M.P. No.918/2021 on 23.09.2021.

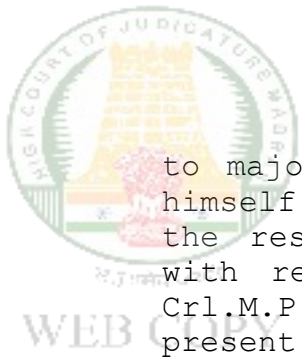
For Petitioner : Mr.P.Suresh

For Respondent : Mr.E.Raj Thilak,
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed under Section 482 Cr.P.C. to call for the records in Crl.M.P. No.918/2021 in C.C. No.54 of 2018, pending on the file of the Judicial Magistrate - Fast Track, Alandur and set aside the order passed by the learned Judicial Magistrate - Fast Track, Alandur in Crl.M.P. No.918/2021 on 23.09.2021.

2. The petitioner/accused in C.C. No.54 of 2018 has filed a petition under Section 311 Cr.P.C. to recall PW1, the Power Agent of Mrs.Ganga Gayathri, the complainant. The Power Agent - Uma Shankar had deposed as PW1 but he is unable to give answers



to majority of the questions. Further, the petitioner examined himself under Section 315 Cr.P.C. and he was cross-examined by the respondent/complainant. To clarify certain of the aspects with regard to execution of Ex.P1, the petitioner had filed Crl.M.P. No.918 of 2021, which was dismissed, against which, the present criminal original petition has been filed.

3. On going through the contention and perusal of the material, this court finds that the case crossed the stage of defence side arguments. Even the petitioner had examined himself as DW1 under Section 315 Cr.P.C. According to the petitioner, he had probablised his defence. The documents, which the petitioner relies on, is already marked as an exhibit, which can be referred and highlighted.

4. Considering the arguments further with regard to the Power of Attorney and its usage, the Hon'ble Supreme Court in the case of A.C.Narayanan vs. State of Maharashtra and Another reported in (2014) 11 SCC 790, had clearly given guidelines. The petitioner to take advantage of the same.

5. With the above direction, the criminal original petition is disposed of. Consequently, the connected criminal miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

asr

Copy to

The Judicial Magistrate - Fast Track, Alandur.

+1cc to M/s.P.Suresh, Advocate, S.R.No.64536

Crl. O.P. No.22337 of 2021

KSM(CO)

RLP(10/01/2022)