



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2021

CORAM :

WEB COPY

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.OP.(MD)No.15841 of 2020

and

Crl.MP(MD)No.7752 of 2020

B.Radhakrishnan

... Petitioner

vs.

J.Jebamani Dhass

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to set aside the order dated 19.11.2020 passed in Crl.MP.No.1773 of 2020 in S.T.C.No.610 of 2018 by the learned Judicial Magistrate, Fast Track Court, Nagercoil.

For Petitioner : Mr.A.Balakrishnan

For Respondent : Mr.R.Murugan

ORDER

The present petition has been filed to set aside the orders, dated 19.11.2020 passed by the learned Judicial Magistrate, Fast Track Court, Nagercoil in Crl.M.P.No.1773 of 2020 in S.T.C.No.610 of 2018.

2.The petitioner, who is an accused in S.T.C.No.610 of 2018, filed an application under Section 311 of the Code of Criminal Procedure to recall P.W.1 and the said petition was dismissed by the learned Judicial Magistrate vide order, dated 19.11.2020. Aggrieved over the same, the petitioner/accused has filed the present petition.

3.Mr.R.Murugan, learned counsel appearing for the respondent contended that he has no objection to recall P.W.1.

4.Recording the said submission made by the learned counsel appearing for the respondent, the order passed by the learned Judicial Magistrate, Fast Track Court, Nagercoil in Crl.MP.No.1773 of 2020 in S.T.C.No.610 of 2018, dated 19.11.2020 is set aside and the Criminal Original Petition is allowed. The learned Judicial Magistrate, Fast Track Court, Nagercoil, is directed to dispose of



S.T.C.No.610 of 2018 within a period of two months from the date of receipt of a copy of this order/uploading of the order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj i

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Judicial Magistrate, Fast Track Court, Nagercoil.

Copy to:

The Registrar(Judicial), Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.MURUGAN, Advocate (SR-5814[F] dated 18/02/2021)

+1 CC to M/s.A.BALA KRISHNAN, Advocate (SR-6014[F] dated 18/02/2021)

CrI.OP.(MD)No.15841 of 2020 &
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