



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

CrI.O.P(MD)No.19822 of 2018

and

CrI.M.P. (MD)No.9068 of 2018

Ranatheve

... Petitioner/Accused

Vs

Prabakaran

... Respondent/Complainant

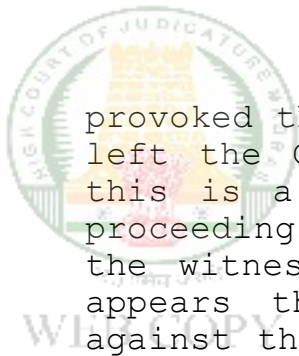
PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the learned Judicial Magistrate (Fast Track Court), Pattukottai, Thanjavur District, to expunge the disparaging remarks made by the trial Court in S.T.C.No.45 of 2016, pending on the file of the learned Judicial Magistrate (Fast Track Court), Pattukkottai, Thanjavur District.

For Petitioner	: Mr.G.Karuppasamy Pandiyan
For Respondent	: No Appearance

O R D E R

The recorded proceedings shows that on 06.06.2018, when the complainant was cross-examined by the counsel for the accused put the irrelevant questions. That was objected by the trial Judge, stating that he must put only relevant questions. At that time, the Advocate for the accused raised his voice and told the Court that the Judge can decide the case as he likes. He also made disturbances to the Court proceedings. So with the above said, he left the Court Hall. So this proceeding has been recorded, when the deposition itself.

2. This ought to be expunged stating that no such observation is required to be made. The learned counsel for the petitioner could also rely upon the judgment of the Hon'ble Supreme Court reported in the case of **Abani Kanta Ray Vs. State of Orissa and Others, 1995 Supp (4) Supreme Court Cases 169** stating that it was highly unnecessary, but I am unable to accept the argument that has been advanced by the counsel for the petitioner. The trial Court is well within its power, to record the happenings, while the trial is going on. So the power of the Court to record their proceedings, cannot be questioned. But at the same time, it appears that some sort of trouble arose between the counsel for the accused and the trial Judge. When the objection was made by the Judge, regarding the manner of cross-examination, it appears that this



provoked the learned counsel for the accused to raise his voice and left the Court Hall without completing the cross-examination. So this is a simple issue which bound to occur in every day Court proceedings. Thereafter, it appears that the cross-examination of the witness went on smoothly on the subsequent hearing. It also appears that no proceedings was initiated by the trial Judge against the above said Advocate, appearing for the accused person. Recording his conduct in the Court. So nothing is going to be served in keeping this observation on record. So, keeping such an observation on record, may for unnecessarily be a mental agony to the Advocate on record for the accused. So I am considered about that this record of proceedings or the observation is liable to be removed.

3. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

btr/gbg

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

1. The Judicial Magistrate (Fast Track Court),
Pattukkottai,
Thanjavur District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Cr1.O.P(MD)No.19822 of 2018
and
Cr1.M.P. (MD)No.9068 of 2018

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