



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.13403 of 2022

and

Crl.M.P.No.7184 of 2022

S.Kaviyarasan
S/o.Selrathinam

...Petitioner/Petitioner/Respondent

Vs.

Krishnamurthy,
S/o.Thiruvenkadam

...Respondent/Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 05.03.2022 in Crl.M.P.No.218 of 2022 in C.C.No.614 of 2021 on the file of learned Judicial Magistrate, Namakkal /Additional Mahila Court Namakkal and permit the petitioner to recall the complainant / P.W.1.

For Petitioner : Mr.S.Sivakumar

ORDER

This petition is filed to set aside the order dated 05.03.2022 in Crl.M.P.No.218 of 2022 in C.C.No.614 of 2021 on the file of learned Judicial Magistrate, Namakkal /Additional Mahila Court Namakkal and permit the petitioner to recall the complainant / P.W.1 under Section 311 Cr.P.C.

2.It is the contention of the learned counsel for the petitioner that due to COVID lock down and restrictions, cross examination of P.W.1 could not be completed and therefore seeks for one more opportunity to cross examine P.W.1.

3.Taking note of the Pandemic situation prevailed at the relevant point of time, this Court is of the opinion that one fair opportunity shall be given to the petitioner to recall P.W.1 for cross examination.

4.Hence, the order passed by the learned Judicial Magistrate, Namakkal /Additional Mahila Court Namakkal in Crl.M.P.No.218 of 2022 in C.C.No.614 of 2021 dated 05.03.2022



is hereby set aside. The trial Court shall fix a day for cross examination of P.W.1. On that day when P.W.1 was summoned, the same day he will be cross examined by the petitioner. Failure to cross examine P.W.1 on the same day, the petitioner will lose his right to cross examine. After cross examination, the trial shall be expedited and the trial Court shall dispose of the matter within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, this Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Additional Mahila Court,
Namakkal.
2. The Chief Judicial Magistrate,
Namakkal.

+1cc to Mr.K.T.S.Sivakumar, Advocate, S.R.No.35120

Crl.O.P.No.13403 of 2022
and
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GJ(CO)
RGA(17/06/2022)