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Crl.OP.Nos.28254 and 28280 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.Nos.28254 and 28280 of 2022

Crl.O.P.No.28254 of 2022:

J.Shanmugam

... Petitioner

Vs.

S.Karpagam

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records, examine the same for the purpose of satisfying itself as to the correctness, legality and set aside the impugned order dated 15.10.2022, in Crl.M.P.No.6522 of 2022 in M.C.No.31 of 2010, on the file of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai. That case may be remanded to Trial Court for further cross examination of PW1 in accordance with law, in a time bounding manner.

For Petitioner : Mr.V.Ramanareddy



Crl.OP.Nos.28254 and 28280 of 2022

For Respondent : M/s.D.Bharathy

Crl.O.P.No.28280 of 2022:

J.Shanmugam

... Petitioner

Vs.

S.Karpagam

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records, examine the same for the purpose of satisfying itself as to the correctness, legality and set aside the impugned order dated 15.10.2022, in Crl.M.P.No.6525 of 2022 in M.C.No.31 of 2010, on the file of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai. That case may be remanded to Trial Court for further cross examination of PW1 in accordance with law, in a time bounding manner.

For Petitioner : Mr.V.Ramanareddy

For Respondent : M/s.D.Bharathy

COMMON ORDER

These Criminal Original Petitions are filed to set aside the impugned order dated 15.10.2022, in Crl.M.P.No.6522 of 2022 and Crl.M.P.No.6525 of 2022 in



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M.C.No.31 of 2010, on the file of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai.

2. The learned counsel for the petitioner submitted that the petitioner filed Crl.M.P.No.6522 of 2022 and Crl.M.P.No.6525 of 2022, for the purpose of reopening the case of the petitioner and recalling PW1 for further cross examination. Both the petitions were dismissed by the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, imposing costs of Rs.3000/-, against which these petitions are filed.

3. The learned counsel for the respondent submitted that M.C.No.31 of 2010 is pending from the year 2010 and then the reopening and recalling petitions are filed only to protract the proceedings. Therefore, he prays for dismissing these petitions, by conforming the order of learned XXIII Metropolitan Magistrate, Saidapet, Chennai.

4. Considered the rival submissions.



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5. The reading of the order of learned XXIII Metropolitan Magistrate, Saidapet, Chennai shows that M.C.No.31 of 2010 is pending from the year 2010. The respondent herein, who is the petitioner in M.C.No.31 of 2010 was extensively cross examined by the petitioner in the year 2019. Thereafter, the petitioner evidence was also recorded. When the case is pending for argument, petitions for reopening of the case of the petitioner for the purpose of recalling PW1 were filed. Not only that the trial Judge observed that the petitioner, who was conducting the case by appearing in person, posed several questions, which are not permissible under Indian Evidence Act, 1872. Therefore, the Court intervened during the examination of the witnesses, which resulted in wasting the precious time of the Court. Recording all these reasons, the trial judge observed that these petitions have been filed only for the purpose of delaying the procedure and dismissed them.

6. This Court, on going through the reasons stated in the order, does not find any reason to take a different view in this matter. Accordingly, the order of



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the learned XXIII Metropolitan Magistrate, Saidapet, Chennai is confirmed and
these Criminal Original Petitions are dismissed.

21.12.2022

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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To

1. The XXIII Metropolitan Magistrate,
Saidapet, Chennai
2. The Public Prosecutor,
Madras High Court.



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G.CHANDRASEKHARAN,J.

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