



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.Nos.34320 & 34288 of 2019
and
Crl.M.P.Nos.18992 & 18985 of 2019

Y.Sujatha ... Petitioner in both Crl.O.P.Nos.
Vs.

N.Mathivanan ... Respondent in both Crl.O.P.Nos.

COMMON PRAYER: Criminal Original Petitions have been filed under Section 482 of Cr.P.C, praying to set aside the order passed by the Judicial Magistrate No.I, Thiruppathur, Vellore District in Crl.M.P.Nos.2171 & 2172 of 2019 in STC.No.397 of 2016 dated 26.11.2019 by dismissing the petition filed by the Petitioner under Section 91 of Cr.P.C.

For Petitioner in
both Crl.O.P.Nos. : Mr.E.Kannadasan

For Respondent
in both Crl.O.P.Nos. : Mr.I.Syed Sibghatulla
Legal Aid Counsel

COMMON ORDER

These petitions have been filed to set aside the order passed by the Judicial Magistrate No.I, Thiruppathur, Vellore District in Crl.M.P.Nos.2171 & 2172 of 2019 in STC.No.397 of 2016 dated 26.11.2019 by dismissing the petition filed by the Petitioner under Section 91 of Cr.P.C.

2. The learned counsel for the Petitioner would submit that the Petitioner herein is the accused before the Court of the Judicial Magistrate No.I, Thiruppathur, Vellore District, in STC.No.397 of 2016. It is the contention of the learned counsel for the Petitioner that adverse order passed in Crl.M.P.No.2171 of 2019 dated 26.11.2019. As per the order passed by the Judicial Magistrate No.I, Thiruppathur, the accused had let in evidence as defense witness and the defense evidence was closed. Subsequently, the accused sought to recall the witness to



examine as defense witness, which was refused by the Court and dismissed on the ground that the petition was filed as an afterthought to delay and protract the proceedings. Aggrieved by the same, the petition in Crl.O.P.No.34288 of 2019 was filed to set aside the order of the Judicial Magistrate No.I, Thiruppathur, in Crl.M.P.No.2172 of 2019.

3. The learned counsel for the Respondent/Complainant vehemently objects the argument of the learned counsel for the Petitioner, seeking to set aside the order passed by the Judicial Magistrate No.I, Thiruppathur, in Crl.M.P.No.2172 of 2019 dated 26.11.2019. As per the submission of the learned counsel for the Respondent/Complainant, it is seen that this is a second round of litigation. He had already filed a similar petition in Crl.O.P.No.3269 of 2018 against Crl.M.P.No.1406 of 2018 in STC.No.397 of 2016 regarding the order passed on 18.01.2018 in Crl.M.P.No.4551 of 2017 by the same Judicial Magistrate No.I, Thiruppathur. The petition in Crl.O.P.No.3269 of 2018 filed by the petitioner herein was dismissed on 04.04.2019 by this Court with the following descriptions:

"6. it is made clear that the trial court fix up a date for cross examination of DW1 within a period of one week from the date of receipt of a copy of this order and to complete the trial proceedings within a period of four weeks therefrom."

4. Considering the rival submissions, the arguments put forth by the learned counsel for the Respondent/Complainant is found acceptable. These petitions have no merits and hence, the same are dismissed. The learned Judicial Magistrate No.I, Thiruppathur, is directed to dispose of the case at the earliest within a reasonable period of two months.

5. Mr.I. Syed Sibghatulla, appeared as a Legal Aid Counsel on behalf of the respondent. The Legal Service Authority attached to the High Court of Madras is directed to pay his fees in accordance with the Rules applicable to the High Court of Madras.

6. Accordingly, these Criminal Original Petitions are dismissed. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

dna



To

1. The Judicial Magistrate No.I,
Thiruppathur,
Vellore District.
2. Do-Through,
The Chief Judicial Magistrate,
Vellore.

Copy to:
The Secretary,
Legal Service Authority,
High Court, Madras.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.23349

+1cc to Mr.I.Syed Sibghatulla, Advocate, S.R.No.23288

Crl.O.P.Nos.34320 & 34288 of 2019
and
Crl.M.P.Nos.18992 & 18985 of 2019

SVI (CO)
SU(28/04/2022)