



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.(MD) Nos.1428 and 1672 of 2022

in

Cr1.M.P(MD)No.1062 of 2022

WEB COPY

Cr1.O.P(MD)No.1428 of 2022

Kanthan ...Petitioner/Petitioner/Complainant

Vs.

Mahadevan ...Respondent/Respondent/Accused

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records relating to the order passed by the learned Judicial Magistrate, Manapparai in CRMP No.1814 of 2021 in STC No.124 of 2019, dated 11.10.2021 and set aside the same.

For Petitioner : M/s.T.A.Ebenezer
For Respondent : Mr.T.A.Punithan

Cr1.O.P(MD)No.1672 of 2022

Kanthan ...Petitioner/Petitioner/Complainant

Vs.

Mahadevan ...Respondent/Respondent/Accused

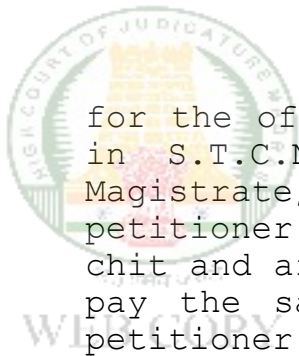
PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records relating to the order passed by the learned Judicial Magistrate, Manapparai in Cr.M.P No.1813 of 2021 in STC No.124 of 2019, dated 11.10.2021 and set aside the same.

For Petitioner : M/s.T.A.Ebenezer
For Respondent : Mr.T.A.Punithan

ORDER

Both the petitions have been filed as against the Cr1.M.P.Nos.1813 and 1814 of 2021 respectively in S.T.C.No.124 of 2019, for reopening and recalling of PW1 and both the petitions were dismissed by the learned Judicial Magistrate, Manapparai.

On perusal of records, it is revealed that the petitioner lodged a private complaint and the same has been taken cognizance



for the offences under Sections 417, 420, 294(b) and 506(ii) of IPC in S.T.C.No.124 of 2019 on the file of the learned Judicial Magistrate, Manapparai, alleging that the respondent has cheated the petitioner to the tune of Rs.1.25 lakhs by conducting unregistered chit and after collecting the said amount, the respondent refused to pay the said amount. When the said amount was demanded by the petitioner he was threatened and abused by the respondent. After taking cognizance, the petitioner was examined as PW1 and evidences on both the side were closed. When the matter was posted for argument, the petitioner filed a petition to reopen and recall of PW1, for the reason that he has obtained information under the Right to Information Act, 2005, with regard to the documents pertaining to no such registered chit company. Further, sworn affidavit of the members instalment card.

Though the petitioner has filed the petition, he failed to annex those documents along with the petition. That apart, it was filed at the time of arguments. However, the petitioner wanted to mark the compact disk, which contains the speech between the petitioner and the respondent herein. Without complying the conditions, as contemplated under Section 65(b) of the Evidence Act, the compact disk cannot be marked without comparison of voices.

That apart, this application was filed at the end of the trial and as such, the Court below has rightly dismissed the petitions filed by the petitioner to reopen and recall of PW1. This Court finds no infirmity or illegality in the orders passed by the Court below.

Accordingly, both the criminal original petitions are dismissed. Consequently, the connected miscellaneous petition is also closed. However, the trial Court is directed to complete the trial and dispose of the same within a period of four weeks from the date of receipt of a copy of the order.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

1r

To

1.The Judicial Magistrate,
Manapparai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Cr1.O.P.(MD) Nos.1428 and 1672 of 2022
07.03.2022

SRR(CO)

GC(25.03.2022) 3P 3C

WEB COPY