



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 26.04.2022**

**CORAM**

**THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN**

**Crl.R.C(MD)No.406 of 2022**

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B.Shanmugam

... Petitioner

Vs.

The State,  
The Inspector of Police, CBCID,  
Thanjavur District.  
(Crime No.11 of 2009).

... Respondent

**PRAYER:** Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records pertaining to the dismissal order in Crl.M.P.No.1183 of 2022 on the file of the learned Judicial Magistrate, Thruvaiyaru and set aside the same and direct to examine the listed person as additional witnesses.

For Petitioner : Mr.Suyambu Linga Bharathi  
for Mr.S.Vishnuvardhan

For Respondent : Ms.M.Aasha  
Government Advocate (Crl. Side)

**ORDER**

This revision has been filed as against the order passed by the learned Judicial Magistrate, Thruvaiyaru in Crl.M.P.No.1183 of 2022, dated 04.04.2022, thereby dismissed the petition filed under Section 243 of Cr.P.C to examine the defence side witnesses.

2.The petitioner is the sole accused in Crime No.11 of 2019 for the offences under Sections 465, 467, 468, 468, 471 and 120 of I.P.C. After examination of the prosecution witnesses and when the matter was posted for defence side witnesses in C.C.No.01 of 2011 on the file of the learned Judicial Magistrate, Thiruvaliyaru, the petitioner filed a petition in Crl.M.P.No.1183 of 2022 in C.C.No.01 of 2011 on the file of the learned Judicial Magistrate, Thiruvaliyaru, under Section 243 of Cr.P.C to examine the following witnesses:-

"1.Chief Manager,  
Indian Bank, Main Branch,  
South Main Street, Thanjavur.

2.Balasubramanian,  
Sunami Record Clerk (Account Section),  
Project Director Office,  
Collector's Office "DRDA" - Thanjavur.



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3.P.Sambath M.Sc.,  
S/o.Periyathambi Thevar,  
Perumagalam South - Thanjavur.

4.V.Elango,  
S/o.A.Veeraiya,  
Umathanadu (Po),  
Peravoorani (Tk),  
Thanjavur."

3.The learned counsel appearing for the petitioner would submit that C.C.No.01 of 2011 is posted before the trial Court tomorrow ie., on 27.04.2022 and he is ready to examine atleast two of the list of witnesses, viz., witness Nos.1 and 2, to disprove the case of the prosecution and he may be given liberty to putforth his case by examining the defence witness.

4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner filed this petition at the fag end of the trial, that too, after direction issued by this Court in Crl.OP(MD)No.6215 of 2021, dated 15.11.2021, thereby directed the trial Court to complete the trial within a period of four months.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record.

6.Admittedly, the matter is posted for defence witness and sofar the petitioner did not examine any witness on his side. Therefore, the petitioner may be given one more opportunity to examine his side witness, namely the list of witness Nos.1 and 2 alone on 27.04.2022 itself.

7.Accordingly, the order passed by the learned Judicial Magistrate, Thruvaiyaru in Crl.M.P.No.1183 of 2022, dated 04.04.2022 is partly set aside and this Criminal Revision Case is partly allowed. The petitioner is permitted to examine his side witnesses, namely L.W.1 and L.W.2 on 27.04.2022. If the petitioner failed to examine any witness on 27.04.2022, the trial Court is directed to proceed with the trial in accordance with law.

Sd/-

Assistant Registrar(Writs)

// True Copy //

26/04/2022

Sub Assistant Registrar(CS)



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**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,  
Thruvaiyaru.
- 2.The Inspector of Police,  
CBCID,  
Thanjavur District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S. VISHNUVARDHAN, Advocate ( SR-21370[F] dated 26/04/2022 )

Order made in  
**CrI.R.C(MD)No.406 of 2022**  
**26.04.2022**

ac(CO)  
TR(26.04.2022) 3P 5C