



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.R.C(MD)No.424 of 2022

and

CrI.M.P(MD)No.5570 of 2022

WEB COPY

Ravi

... Revision Petitioner/
Accused No.2

Vs.

State represented by its,
The Inspector of Police,
CBCID,
Thanjavur.
(Crime No.13 of 2009).

... Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the entire records relating to C.M.P.No.3266 of 2021 and to set aside the order passed in C.M.P.No.3266 of 2021 in C.C.No.3 of 2011, dated 16.03.2022 by the learned Judicial Magistrate, Thiruvaiyaru.

For Petitioner : Mr.S.Karthik

For Respondent : Ms.M.Aasha

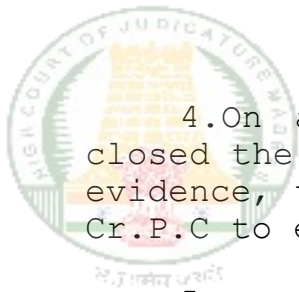
Government Advocate (Criminal Side)

ORDER

This revision has been filed as against the order passed in C.M.P.No.3266 of 2021 in C.C.No.3 of 2011, dated 16.03.2022 by the learned Judicial Magistrate, Thiruvaiyaru, thereby dismissed the petition filed under Section 243(2) of Cr.P.C.

2.The petitioner is arraigned as Accused No.2 in C.C.No.3 of 2011 on the file of the learned Judicial Magistrate, Thiruvaiyaru charged for the offences under Sections 465, 568, 471 and 420 of I.P.C @ 420, 465, 467, 468 and 471 of I.P.C. There are totally 17 witnesses cited by the prosecution, in which, the prosecution has examined 11 witnesses. However, in the list of witness L.W.9 was not examined by the prosecution and he was dispensed with. He is the vital witness to disprove the case of the prosecution and as such, the prosecution conveniently omitted to examine. Therefore, the petitioner filed a petition under Section 243(2) of Cr.P.C to examine the list of witness viz., L.W.9 as their defence witness. However, it was dismissed for the reason that the petitioner has filed the petition only to drag on the proceedings.

3.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.



4.On a perusal of the records revealed that the prosecution closed the evidence only on 16.12.2021. Therefore, after closing the evidence, the petitioner filed the petition under Section 243(2) of Cr.P.C to examine L.W.9 as defence witness.

5.In view of above, the order passed in C.M.P.No.3266 of 2021 in C.C.No.3 of 2011, dated 16.03.2022 on the file of the learned Judicial Magistrate, Thiruvaiyaru, is set aside and the Criminal Revision Case is allowed. The petitioner is permitted to examine L.W.9 as defence witness. The trial Court is directed to complete the trial within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

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

Copy to:

1. The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.
- 2.The Section officer, Criminal Section,
Madurai Bench Of Madras High Court, Madurai. (2 COPIES)

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RD(19.05.2022) 2P 7C