



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

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

Crl.O.P.(MD) No.8042 of 2022

and Crl.M.P(MD) No.5443 of 2022

WEB COPY

Muthaiah

...Petitioner/ Accused No.1
Vs.

The State,
Rep. by the Sub Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.

...Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct to call for the records of the learned Additional District Munsif cum Judicial Magistrate Court, Manamadurai in Cr.M.P.No.2242 of 2021 in C.C.No.177 of 2014 and set aside the order dated 23.02.2022.

For Petitioner : Mr. P. Balasubramanian

For Respondent : Mr. R.M.Anbunithi,
Additional Public Prosecutor

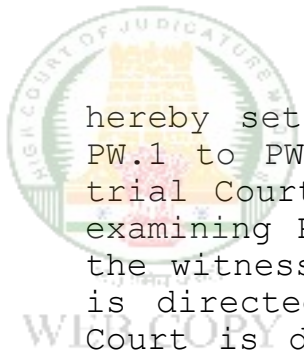
ORDER

This petition has been filed seeking a direction to call for the records of the learned Additional District Munsif cum Judicial Magistrate, Manamadurai in Cr.M.P.No.2242 of 2021 in C.C.No.177 of 2014 and set aside the order dated 23.02.2022.

2. There are totally seven accused in this case and the petitioner herein is arrayed as A1. All the accused have been charged for the offence under Section 498 of IPC and other IPC offences. The prosecution has examined PW.1 to PW.5 and they have been examined in chief on 07.10.2017 and 08.10.2018. The petitioner did not cross examine PW.1 to PW.5 and thereafter there was some negotiation between the petitioner and his wife. Infact they lived together for some time and thereafter there was some misunderstanding and the defacto complainant proceeded further in the trial. In the meantime due to covid-19 pandemic situation there was no physical hearing and as such the petitioner filed petition for recalling PW. 1to PW.5 in the year 2021.

4. In view of the above the order passed by the learned Additional District Munsif cum Judicial Magistrate Court, Manamadurai in Cr.M.P.No.2242 of 2021 in C.C.No.177 of 2014 is

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hereby set aside and the petitioner is directed to cross examine PW.1 to PW.5 along with payment of necessary cost as fixed by the trial Court. The trial Court is directed to fix the date for cross examining PW.1 to PW.5 and if the petitioner fails to cross examine the witnesses on the date fixed by the trial Court, the trial Court is directed to proceed in accordance with law. Further 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.

5. This Criminal Original Petition ordered accordingly. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Additional District Munsif cum Judicial Magistrate Court,
Manamadurai

2.The Sub Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.

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

Copy to:

The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-22131[F] dated
28/04/2022)

Crl.O.P.(MD) No.8042 of 2022
28.04.2022

RD(18.05.2022) 2P 6C