



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 10.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.508 of 2022

and

Crl.M.P.(MD)No.6355 of 2022

Parvathi

... Petitioner/A1

vs.

State Rep. by
The Inspector of Police,
CBCID,
Thanjavur.
Crime No.10 of 2009

... Respondent/Complainant

PRAYER : This Criminal Revision Petition has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order passed in C.M.P.No.1271 of 2022 in C.C.No.2 of 2011, dated 20.04.2022 on the file of the learned Judicial Magistrate, Thiruvaiyaru and consequently, direct the learned Judicial Magistrate, Thiruvaiyaru to issue summons to defence witness along with the documents mentioned in C.M.P.No.1271 of 2022 in C.C.No.2 of 2011.

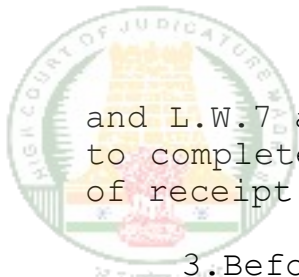
For Petitioner : Mr.S.Pandeeswaran

For Respondent : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

This Criminal Revision Petition is directed against the order passed in C.M.P.No.1271 of 2022 in C.C.No.2 of 2011, dated 20.04.2022 dismissing the petition filed under Section 243(2) of Cr.P.C., seeking permission to examine the witnesses and for production of some documents listed in the petition.

2.It is not in dispute that the petitioner has earlier filed a petition in C.M.P.No.3265 of 2021 under Section 243(2) of Cr.P.C., for examining the listed witnesses, L.W.6 and L.W.7 as defence witnesses and that the learned Magistrate by observing that the above petition has been filed to drag on the proceedings, dismissed the same. The petitioner, challenging the said dismissal order has preferred the revision in Crl.R.C.(MD)No.423 of 2022 and this Court vide order, dated 29.04.2022, has set aside the order passed in C.M.P.No.3265 of 2021 and permitted the petitioner to examine L.W.6



and L.W.7 as defence witnesses and further, directed the trial Court to complete the trial within a period of three months from the date of receipt of a copy of the order.

3.Before the disposal of the said revision in Crl.R.C.(MD) No.423 of 2022, the said petitioner has filed another application under Section 243(2) of Cr.P.C. in C.M.P.No.1271 of 2022 for examining two witnesses, Tmt.Sumathi and Mr.Natarajan and for production of certain documents as listed in the petition. The prosecution has raised objections. The learned Magistrate, after conducting enquiry has passed the impugned order, dated 20.04.2022 dismissing the said petition. Challenging the said order passed in C.M.P.No.1271 of 2022, the above revision came to be filed.

4.The learned Judicial Magistrate, in the impugned order, by observing that though the examination of the prosecution side witnesses was completed on 29.11.2021 and after taking 20 adjournments, the above petition came to be filed on 05.04.2021, that though the petitioner has mentioned the names of the persons, he has not given any particulars or reasons for examining the said witnesses and that the above petition has been filed only to drag on the proceedings, dismissed the petition.

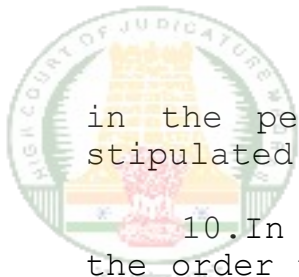
5.As rightly contended by the learned counsel for the petitioner, in the petition filed in C.M.P.No.1271 of 2021, the petitioner has furnished the particulars of the witnesses to be examined and the documents to be sent for.

6.When the matter is taken up for hearing today, the learned Additional Public Prosecutor would submit that the time frame stipulated by this Court in Crl.R.C.(MD)No.423 of 2022, vide order, dated 29.04.2022, is not over and that therefore, the trial Court may be directed to examine the witnesses now cited by the petitioner and complete the trial within the time stipulated by this Court.

7.The learned counsel for the revision petitioner, on instructions, would submit that the petitioner undertakes to close the defence evidence after examining the two witnesses now cited in the application.

8.Moreover, the learned Additional Public Prosecutor would also submit that the documents sought for by the revision petitioner are very much available with the concerned department.

9.Considering the above facts and circumstances and also considering the fact that this Court has already granted three months time to complete the trial and also the fact that the petitioner has furnished the necessary particulars of the witnesses to be examined and the documents to be produced, the impugned order, dismissing the petition filed under Section 243(2) of Cr.P.C. is set aside and the trial Court is directed to examine the witnesses cited



in the petition and complete the trial within the time already stipulated by this Court.

10. In the result, the Criminal Revision Petition is allowed and the order passed in C.M.P.No.1271 of 2022, dated 20.04.2022 is set aside. The learned Judicial Magistrate, Thiruvaiyaru is directed to complete the trial and dispose of the case within the time already stipulated by this Court. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

sjj

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:

The Section officer, Criminal Section,
Madurai Bench Of Madras High Court, Madurai.
(2 COPIES)

+1 CC to M/s.S.PANDEESWARAN, Advocate (SR-25228[F] dated 10/06/2022)

Crl.R.C. (MD) No.508 of 2022
10.06.2022

RD(04.07.2022) 3P 7C