



CrI.O.P.(MD) No.18003 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2022

CORAM:

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.(MD) No.18003 of 2022

and

CrI.M.P.(MD) No.12018 of 2022

Jahangir

Petitioner

Vs

State represented by
The Inspector of Police,
City Crime Branch,
Thiruchirapalli,
Thiruchirapalli District.
(Crime No.8/2015).

Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to set aside the order passed in Cr.M.P.No.15490 of 2022 dated 23.08.2022, on the file of the learned Judicial Magistrate No.I, Thiruchirapalli by allowing this Criminal Original Petition and consequently directing the court below to permit the petitioner to examine him as witness and to mark the documents.



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For Petitioner : Mr.P.Sivachandran

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (CrI.Side)

ORDER

This criminal original petition is filed seeking to set aside the order passed in Cr.M.P.No.15490 of 2022, dated 23.08.2022, on the file of the learned Judicial Magistrate No.I, Thiruchirapalli.

2.The learned Counsel appearing for the petitioner submits that the petitioner had filed a petition in Cr.M.P.No.15490 of 2022 to re-open the case for examination of witnesses and marking of certain documents. But the same was dismissed by the learned Judicial Magistrate No.I, Thiruchirapalli stating that the petitioner has not availed the opportunity already given to him and in order to drag on the proceedings, he has filed the petition. The learned Counsel appearing for the petitioner further submits that the petitioner wants to mark certain documents related to the final report pertaining to the same complaint and hence the trial Court ought to have allowed the petition filed by him.



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3.Considering the fact that the trial Court is the fact finding Court, before which, the parties can exhaust their remedy to prove their respective cases. Otherwise, their right to defence will be defeated.

4.In view of the above, this Court is inclined to allow this Criminal Original Petition. Accordingly, the order passed by the learned Judicial Magistrate No.I, Thiruchirapalli in Cr.M.P.No.15490 of 2022, dated 23.08.2022 is hereby set aside. The petitioner is directed to co-operate with the trial.

5.Accordingly, this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

07.10.2022

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
lr/vrn



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To

- 1.The Judicial Magistrate No.I,
Thiruchirapalli.
- 2.The Inspector of Police,
City Crime Branch,
Thiruchirapalli,
Thiruchirapalli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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T.V.THAMILSELVI, J.

lr/vrn

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