



Crl.R.C.Nos.310 to 314 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2023

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

Crl.R.C.Nos.310 to 314 of 2020

and

Crl.M.P.Nos.2313 to 2316 & 2319 of 2020

S.Chandrasekaran

.. Petitioner in all cases

Vs.

S.R.Sivalingam

..Respondent in all cases

COMMON PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to set aside the order passed in CMP.Nos.2193, 1937, 1936, 1938 and 2194 of 2019 respectively in C.C.No.01 of 2018 dated 27.12.2019 on the file of the Judicial Magistrate-I, Tindivanam.

For Petitioner : Mr.V.V.Sairam (all cases)

For Respondent : Mr.M.Govindarajan (all cases)

COMMON ORDER

Heard the learned counsel for the revision petitioner / complainant and the learned counsel for the respondent / accused.



2. This Criminal Revision Cases are directed against the order passed by the trial Court, which has allowed the petitions filed by the accused, to recall the bank witnesses for the purpose of marking four documents pertaining to the bank transaction related to one S.R.Traders owned by the wife of the accused.

3. The trial Court, however, dismissed the similar petitions filed by the complainant to recall the very same witnesses to mark nine other documents including four documents sought to be marked by the complainant, but those nine documents are also in connection with the account maintained by the S.R.Traders.

4. Out of these five Criminal Revision Cases, three revision petitions challenging the order of allowing the C.M.P.Nos.1936 to 1938 of 2019 filed by the accused and two revision petitions against the dismissal of C.M.P.Nos.2193 and 2194 of 2019 filed by the complainant. The relief sought have same consequence, but unfortunately, the trial Court allowed three petitions filed by the accused and dismissed two



Crl.R.C.Nos.310 to 314 of 2020

petitions filed by the complainant. The only reason for dismissing the petitions filed by the complainant is that the said petitions are filed after the matter was posted for arguments. But the said reason will not sustain, since other petitions filed by the accused to recall the very same witnesses for marking the documents are allowed.

5. Therefore, these *Criminal Revision Cases are disposed of* reversing the order passed in C.M.P.Nos.2193 and 2194 of 2019 and upholding the order passed in C.M.P.No. 1936 to 1938 of 2019. The trial Court is directed to recall the witnesses and 13 documents mentioned by the complainant, which includes 4 documents to be mentioned by the accused, shall be allowed to be marked subject to proof and relevancy. The entire trial shall be completed within a period of three months from the date of receipt of the copy of this order. Consequently, the connected Criminal Miscellaneous Petitions are closed.

08.06.2023

Internet : Yes/No
Index: Yes/No
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Crl.R.C.Nos.310 to 314 of 2020

Dr.G.JAYACHANDRAN, J.

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To

1.The Judicial Magistrate-I, Tindivanam.

Crl.R.C.Nos.310 to 314 of 2020

08.06.2023