



Crl.O.P.No.21677 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM:

THE HON'BLE Mr. JUSTICE SUNDER MOHAN

Crl.O.P.No. 21677 of 2021
and Crl.M.P.No. 11763 of 2021

1.Saravanaperumal
2.R.Sivaprakasam

...Petitioners

Versus

P.V.K. Swamy @
P.V.Karuppurswamy Dever (died)

1. PVK Raj Mahendran @ Rajendran,

...Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, seeking to set aside the order dated 09.09.2021 made in Crl.M.P.No.6354 of 2019 in C.C.No.270 of 2010 passed by the learned Judicial Magistrate No.II, Tambaram.

For Petitioners : M/s.N.Manoharan
For Respondent : No Appearance



ORDER

The petition is to set-aside the order passed by the trial Court in Crl.M.P.No.6354 of 2019 in C.C.No.270 of 2010 dated 09.09.2023, allowing the petition filed by the respondent under Section 311 of Code of Criminal Procedure.

2. The complainant in C.C.No.270 of 2010 on the file of the learned Judicial Magistrate No.II, Tambaram, and the respondent herein had filed a petition under Section 311 Cr.P.C., to summon a witness. After the examination of witnesses, the petitioners herein had opposed the said summoning on the ground that his examination was not necessary for the case, and he had filed the same only to protract the trial. The learned Magistrate, after considering the submissions on either side, was on the view that the examination of witnesses was necessary for adjudication of this case.

3. This Court finds that there is no infirmity in the impugned order. This Court is of the view that the respondent/complainant has to establish the case before the trial court, and the said right cannot be scuttled. However, this Court is of the view that the said petition cannot be a ruse to delay the trial.



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4. Therefore, this Court is of the view that in the interest of Justice, the learned Magistrate No.II, Tambaram may be directed to expedite the process of trial, including the examination of the summoned witness and conclude the trial process. The trial Court shall complete the trial process within a period of six (6) months from the date of receipt of a copy of this order. The respondent shall examine the summoned witness within a period of two (2) months from the date of receipt of a copy of this order.

5. Accordingly, the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case: Yes/No
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SUNDER MOHAN, J.

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