



WEB COPY



Crl.OP.No.25106 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.25106 of 2023

1. Sathish Shanthakumar
2. S.Premalatha
3. Sathyabama

... Petitioners

Vs.

Roshni Muthukumar

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order made in C.M.P.No.13113 of 2023 dated 11.09.2023 on the file of the learned Judicial Magistrate, Special Court for Trial of Domestic Violence Act Cases, Coimbatore.

For Petitioners : Mr.C.Ramkumar

ORDER

This petition is filed to set aside the order of the Judicial Magistrate Court for trial of Domestic Violence Act Cases, Coimbatore who was declined to entertain petition under Section 311 of Cr.P.C filed



Crl.OP.No.25106 of 2023

by the accused to recall P.W.1.

WEB COPY

2. From the impugned order passed by the learned Judicial Magistrate, this Court finds that P.W.1 was examined in chief on 06.09.2022. Thereafter, time and again case was adjourned for cross-examination of P.W.1. After two days, the petitioner has cross-examined P.W.1 and thereafter, the matter was adjourned to 10.03.2023 for further cross, the counsel was not present. Therefore, the evidence of P.W.1 was closed and adjourned for examination of further witnesses.

3. The learned counsel for the petitioners submits that on 10.03.2022, after the matter was passed over, he reported before the Court that he is ready to cross-examine the witnesses, but, Court has already closed the evidence of P.W.1 and adjourned for examination of further witnesses and therefore he was not able to cross examine P.W.1. Soon thereafter on 21.03.2023, he filed a petition for recalling P.W.1, the same was declined on the ground that the petitioners filed the petition with a delay of 10 days.

4. This Court taking into consideration the nature of case for which the petitioners are facing trial and reasons stated for inability to continue



Crl.OP.No.25106 of 2023

the cross on 10.03.2023, set aside the order passed by the learned Judicial Magistrate dated 11.09.2023 and this petition allowed on condition that the petitioners shall deposit Rs.2000/- as costs to P.W.1 and on such deposit, P.W.1 shall be permitted to cross examine P.W.1 and the cross examination shall be completed on the same day.

Vv

02.11.2023

To

1. The Judicial Magistrate,
Special Court for Trial of Domestic Violence Act Cases,
Coimbatore
2. The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



Crl.OP.No.25106 of 2023

Dr.G.JAYACHANDRAN,J.

Vv

Crl.OP.No.25106 of 2023

02.11.2023