



Crl.M.P.No.19670 of 2023 in Crl.O.P.No.28316 of 2023

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C.V.KARTHIKEYAN, J.

DW2 is an individual who apparently knows both the defacto complainant and the accused. He is also said to be the central person in the signing of the crucial document which is the subject matter of C.C.No.819/2013 where trial is underway before the III Metropolitan Magistrate , Chennai. When the complaint was initially filed he was not in this country. Later, the defacto complainant had filed a memo that he is available. But for some reasons the defacto complainant had not examined him as witness. Thereafter, the case came up for the accused/petitioner herein to tender evidence. He examined the said individual as DW2. In the course of his examination, he had mentioned the name of a particular place as Alwarthirunagar.

2. Thereafter an application had been filed in Crl.M.P.No.7711 of 2023 under Section 311 Cr.P.C. by the defacto complainant to recall DW2 only for the purpose of correcting the name of the area from Alwarthirunagar to Nammalwarpet. It is stated in the affidavit that DW2 had wrongly mentioned Alwarthirunagar when he should have mentioned Nammalwarpet.



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3.This is an information which is to the knowledge of DW2 and the defacto complainant unless he had prior contact with DW2, could never have come to the conclusion that DW2 had wrongly mentioned Alwarthirunagar instead of Nammalwarpet. This would also indicate to a little extent that there is a meeting of mind between the defacto complainant and DW2. The said application has been allowed. Questioning that order, the petitioner/accused is before this Court.

4.The Court has not issued notice to the defacto complainant, but it must be mentioned that the counsel who appeared before this Court for the respondent has not filed the vakalat.

5.There shall be an order of interim stay of all further proceedings in C.C.No.819 of 2013, on the file of the III Metropolitan Magistrate, George Town, Chennai till 12.01.2024. List the matter on 12.01.2024.

20.12.2023

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