



CrI.O.P.(MD)No.5835 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD)No.5835 of 2023 and
CrI.M.P(MD).No.5081 of 2023

Mani

...Petitioner/Petitioner/Accused

Vs.

Ponraj

...Respondent/Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 Cr.P.C., to call for the records and set-aside the order passed by the learned fast Track Court (JM Level), Kovilpatti, Thoothukudi District in Cr.M.P No.5763 of 2022 in S.T.C No.4 of 2022 dated 22.12.2022.

For Petitioner : Mr.M.Prabu

ORDER

This Criminal Original Petition has been filed to call for the



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records and set-aside the order passed by the learned Fast Track Court (JM Level), Kovilpatti, Thoothukudi District in Cr.M.P No.5763 of 2022 in S.T.C No.4 of 2022 dated 22.12.2022.

2. The petition filed by the petitioner under Section 311 Cr.P.C., was dismissed by the trial Court on the ground that inspite of repeated opportunities being given to the petitioner the same was not properly utilized by him to cross examine the complainant. By relying upon several Judgments, the above said order has been passed. The said order cannot be found fault on any ground final opportunity may be given to the petitioner to cross examine the complainant and without cross examination of the complainant, passing of fair Judgment is not possible.

3. Even though the respondent has not appeared before this Court, in the interest of justice, this petition is allowed with cost.

4. Accordingly, this petition is allowed and the petitioner is directed to deposit a sum of Rs.5,000/- before the trial Court within a



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week from the date of receipt of a copy of this order. On such payment, the trial Court may fix a date for cross examination of P.W.1 and on that date, the petitioners' counsel must cross examine the P.W.1 without fail. If any failure is noticed on the part of the petitioner, his further right of cross examination of P.W.1 will be forfeited forever. Consequently, the connected Miscellaneous Petition is closed.

29.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
trp

To

1. The Judicial Magistrate,
Fast Track Court (JM Level),
Kovilpatti, Thoothukudi District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J

trp

Order made in
CrI.O.P.(MD)No.5835 of 2023 and
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