



Crl.O.P.(MD)No.11598 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **28.06.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.11598 of 2023
and CRL.MP(MD) No. 9125 of 2023

B. Radhakrishnanan

...Petitioner / Complainant

Vs.

1.Kandasamy

2. Malairaj

...Respondents/Accused

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned order passed by the Learned Judicial Magistrate II, Ramanathapuram in Cr.M.P.No. 7508 of 2022 dated 24.05.2023, in C.C.No.44 of 2015 and set aside the same and consequently direct the Learned Judicial Magistrate II, Ramanathapuram to afford one more opportunity to the petitioner to produce the Remand Report in its entirety / full document to set right the inherent defects / deficiency in the court records.

For Petitioner : Murugan. R



ORDER

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This criminal original petition has been filed to call for the records pertaining to the impugned order passed by the Learned Judicial Magistrate II Ramanathapuram, in Cr.M.P.No. 7508 of 2022 dated 24.05.2023, in C.C.No.44 of 2015 and set aside the same and consequently direct the Learned Judicial Magistrate II, Ramanathapuram to afford one more opportunity to the petitioner to produce the Remand Report in its entirety / full document to set right the inherent defects / deficiency in the court records and thus render justice.

2.The petitioner filed a private complaint before the learned Judicial Magistrate No.II, Ramanathapuram, against the police officials and the same was taken cognizance in C.C.No.42 of 2015. For the past 8 years the above said matter is pending before the trial Court. After completing the examination of witnesses, the matter was posted for arguments. At that time, the petitioner filed a petition to recall the witnesses and examine in further for the purpose of marking some of the documents. Citing the long delay, the petition was dismissed. Challenging the above said order, this petition has been filed.

3.The learned counsel for the petitioner would submit that the



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above said documents, which are vital in nature, namely the remand report as well as the remand request copies were made available to him only recently i.e., in 2022 only. Only for the purpose of marking the above said documents, he wants himself to recall and examine further in chief. In the complaint, it has been stated by the petitioner that while making investigation in Crime No.38 of 2010, assault has been made by him. Only for that purpose, he wants to mark the above said documents. Considering the above said situation, even though there is a long delay on the side of the petitioner, this Court is of the view that no prejudice will be caused to the respondents herein. They can making defence by way of cross examination.

4.In view of the above, let the above said petition be restored to the file and be allowed by fixing a particular date. On that date fixed, the petitioner must be ready to examine himself and mark the documents. Opportunity must be given to the accused to cross examine the petitioner on that date itself. After completing the above said process, the above said trial be completed within a period of **two** months.

5.With the above said directions, this criminal original petition



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stands allowed. Consequently, connected miscellaneous petition is closed.v

28.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
TM

To

- 1.The Judicial Magistrate II, Ramanathapuram.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

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