



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.993 of 2024
and CrI.MP.No.672 of 2024

Mrs.Narmadhadevi

...Petitioner

Vs.

S.Guruvel

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order dated 2.11.2023 made in CrI.RC.No.33 of 2023 on the file of I Additional District Sessions Judge, Tiruvallur which modifying the order dated 01.07.2023 made in CrI.MP.No.692 of 2023 in STC.No.3 of 2019 on the file of Fast Track (Magistrate Level) Tiruvallur, by allowing this petition.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mr.D.Sasikumar

ORDER

This petition has been filed challenging the order passed in CrI.RC.No.33 of 2023, on the file of I Additional District Sessions Judge, Tiruvallur, dated 2.11.2023, interfering with the order passed by the learned Judicial Magistrate in CrI.MP.No.692 of 2023 by order dated 01.07.2023.



2. Heard Mr.R.Marudhachalamurthy, learned counsel for the petitioner and Mr.D.Sasikumar, learned counsel for the respondent.

3. The respondent/complainant filed an application under Section 254(2) r/w 311 Cr.PC., for recalling the evidence of PW.1 and to permit the respondent to mark certain documents. The respondent wanted to mark three documents after recalling PW.1.

4. The Trial Court by order dated 1.7.2023, partly allowed the application insofar as document nos.2 and 3 are concerned and dismissed the application insofar as document no.1.

5. The respondent/complainant filed a revision before the I Additional District Judge, Tiruvallur in CrI.RC.No.33 of 2023. This revision was ordered on 2.11.2023 and the order passed by the trial Court was interfered and the respondent was permitted to bring in document no.1 also. Aggrieved by the same, the petitioner/accused has filed this petition.

6. In the considered view of this Court, an order passed under Section 311 of Cr.PC, is in the nature of an interlocutory order and criminal revision is not maintainable by virtue of Section 397(2) of Cr.PC. In view of the same, the order that was passed by the Court below in CrI.RC.No.33 of 2023, is unsustainable due to



lack of jurisdiction. On that ground alone, the order passed by the Court below is liable to be interfered by this Court and accordingly, the same same is hereby set aside. As a consequence, the order passed by the trial Court in CrI.MP.No.692 of 2023, dated 1.7.2023 is restored.

7.In the result, this criminal original petition is allowed and there shall be a direction to the Court below to complete the proceedings within a period of two months from the date of receipt of copy of the order. Consequently, connected miscellaneous petition is closed.

20.02.2024

Index: Yes/No
Speaking order/Non-speaking Order
Neutral Citation: Yes/No
kp
To

1.I Additional District Sessions Judge
Tiruvallur.

2.Fast Track (Magistrate Level)
Tiruvallur.



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N.ANAND VENKATESH, J
kp

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