



Criminal Original Petition No.2955 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.2955 of 2024

and

CrI.M.P.No.2152 of 2024

Benjamin Jacob
S/o.V.C.Jose

... Petitioner

Vs.

1.State by Public Prosecutor

2.Venukadevi
W/o.Ravindran

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to set aside the order dated 22.11.2023 passed in CrI.M.P.No.5205 of 2022 in C.A.No.205 of 2020 on the file of the learned I Additional District and Sessions Judge, Coimbatore, dismissing the application filed under Section 391 Cr.P.C.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]



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ORDER

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This criminal original petition has been filed challenging the order passed by the learned I Additional District and Sessions Judge, Coimbatore, in CrI.M.P.No.5205 of 2022 in C.A.No.205 of 2020, dated 22.11.2023 dismissing the application filed under Section 391 Cr.P.C. to receive additional documents.

2. Heard Mr.A.Saravanan, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor, appearing for first respondent. The second respondent has been served with notice and the name has also been printed in the cause list and there is no representation either in person or through counsel.

3. The petitioner wants to mark the judgment and decree in O.S.No.471 of 2004, dated 29.08.2005 and also the order passed by this Court in CrI.O.P.No.315 of 2020. These documents pertain to the same parties and they are only judgment/order passed in judicial proceedings. Hence, no prejudice will be caused if these documents are taken on file and they are also marked as documents in the case.



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4. In the light of the above discussion, the order passed by learned I Additional District and Sessions Judge, Coimbatore, in Crl.M.P.No.5205 of 2022 in C.A.No.205 of 2020, dated 22.11.2023, is hereby set aside. There shall be a direction to the Court below to entertain these three documents and mark them as documents and the same shall be dealt with on its own merits and in accordance with law. There is no question of recalling the witnesses for this purpose and the documents shall be marked as such on the side of the defence. This Court had directed the Court below to complete the proceedings within a period of six (6) months. This order was passed on 22.11.2023. Therefore, there is sufficient time for the Court below to complete the proceedings.

This Criminal Original Petition is allowed with the above direction. Consequently, connected miscellaneous petition is closed.

04.03.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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N.ANAND VENKATESH, J

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To

- 1.The I Additional District and Sessions Judge,
Coimbatore.
- 2.The Public Prosecutor,
High Court, Madras.

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