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Crl.O.P.No.9830 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:23.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.9830 of 2024
& Crl.M.P.No.6805 of 2024

R.Vijayaraj.

... Petitioner/Accused

/versus/

P.Parvathy.

... Respondent/Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to set aside the impugned order dated 07.03.2024 passed in C.M.P.No.1276 of 2024 in STC.No.233 of 2022 on the file of Judicial Magistrate, Fast Track Court, Poonamallee.

For Petitioner : Ms.G.Uma Maheswari

ORDER

This Criminal Original Petition is filed to set aside the impugned order dated 07.03.2024 passed in C.M.P.No.1276 of 2024 in STC.No.233 of 2022 on the file of Judicial Magistrate, Fast Track Court, (Magisterial Level) Poonamallee.



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2. The petition before the trial Court is filed under Section 311 of Cr.P.C., was allowed on condition that P.W.1 must be cross examined on 05.02.2024. However, the petitioner has not cross examined P.W.1 on 05.02.2024 in spite of witness being present. Hence, he has lost the opportunity to cross examine P.W.1. Being aggrieved, the present petition is filed.

3. The learned Counsel appearing for the petitioner states that on 05.02.2024 when P.W.1 was recalled for cross examination, the petitioner's Counsel fell ill and therefore, not able to cross examine the witness. The trial Court taken note of the conduct of the petitioner herein who has failed to cross examine P.W.1 in spite of repeated adjournments and even after allowing the petition to recall and cross examine P.W.1 on 05.02.2024, he has failed to avail the opportunity citing illness of his Counsel.

4. This Court finds that for such reasons witness cannot be repeatedly called and harassed. Hence, this petition deserves to be dismissed as devoid of merits.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.



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Index :Yes/No.
Neutral Citation :Yes/No.
bsm

Copy to:

1. The Judicial Magistrate, Fast Track Court, Poonamallee.

DR.G.JAYACHANDRAN,J.

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