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Crl.R.C.No.772 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.772 of 2024

G.Rosy

... Petitioner

Vs.

T.D.Kalairajan

... Respondent

PRAYER : Criminal Revision filed under Section 397 r/w Section 401 of the code of Criminal Procedure, 1973 to call for the records relating to the order dated 22.03.2024 made in Crl.M.P.No.10427 of 2024 in C.C.No.15340 of 2022 pending on the file of the II Metropolitan Magistrate Court, Egmore, Chennai and set aside the same.

For Petitioner : Mr.P.Venugopal

For Respondent : No appearance

O R D E R

This criminal revision case has been filed to set aside the order dated 22.03.2024 made in Crl.M.P.No.10427 of 2024 in C.C.No.15340 of 2022 on the file of the II Metropolitan Magistrate Court, Egmore, Chennai.



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2. The learned counsel appearing for the petitioner has filed a complaint under Sections 406, 417 and 420 of IPC against the respondent as if on 03.06.2016 the respondent borrowed a sum of Rs.9,00,000/- from the petitioner and the same is pending for trial. During the pendency of the trial, the respondent / accused filed a petition under Section 247 of Cr.P.C for examination of witness, namely, Chief Mechanical Engineer, ICF, Chennai, as defence witness who is no way connected with the transaction between the petitioner and the respondent. However, the trial Court, without ascertaining the said fact, has allowed the petition filed by the respondent permitting him to examine the defence witness, against which, the present revision petition has been filed. He would further submit that the defence witness as suggested by the respondent is no way connected with the transaction between the petitioner and the respondent. Hence, he prays for appropriate orders.



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3. Though the name of the respondent has been printed in the cause list, none appeared on behalf of him.

4. It is alleged that the respondent / accused misappropriated a sum of Rs.9,00,000/- and that the alleged cheques were already given to one Venkatesan, who is the employee in the Railway Department and there was illegal transaction between the respondent / accused and the said Venkatesan. Hence, a complaint was filed against the respondent under Sections 406, 417 and 420 of IPC in C.C.No.15340 of 2022 before the learned II Metropolitan Magistrate, Egmore, Chennai and the same is pending for trial. In the meantime, the respondent has filed a petition under Section 247 Cr.P.C for examination of Chief Mechanical Engineer, ICF, Chennai as defence witness and the same was allowed. Feeling aggrieved over the same, the petitioner has filed the present petition. In order to give fair opportunity to the respondent to put forth his case, the trial Court has allowed the petition filed by the respondent for examination of defence



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witness which cannot be interfered with by this Court. Mere examination of witness would not cause any prejudice to the petitioner and the petitioner can also very well cross-examine the defence witness and therefore, the prayer sought for in this petition cannot be granted by this Court. However, the trial Court is directed to dispose of the case in C.C.No.15340 of 2022 as expeditiously as possible.

5. Accordingly, the Criminal Revision Case is dismissed.

20.06.2024

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
vji

To

The II Metropolitan Magistrate Court,
Egmore,
Chennai.



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M.DHANDAPANI, J.

vji

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