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Crl.O.P.No.12634 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Crl.O.P.No.12634 of 2024

and

Crl.M.P.No.7821 of 2024

1.M/s.Sargam Metals Pvt., Ltd.
Rep by its Managing Director Mr.Sarathy Arun
“Mangalam Square” L13, Dr.VSI Estate, Phase II
Thiruvanmiyur, Chennai – 600 041.

2.Sarathi Arun

3.S.Varadachari

.. Petitioners

Versus

M/s.Ambal Agencies
Rep by its Power Agent Mr.Pullaiah Ramaiah
S/o.Ramaiah, No.63, Srinidhi, Thattankulam Road
Madhavaram, Chennai – 600 060.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 07.05.2024 passed by the Learned XXVI Metropolitan Magistrate Egmore, Chennai in Crl.M.P.No.24093 of 2023 in S.T.C.No.3587 of 2019 and consequently dismiss the relief as sought for by the petitioners in Crl.M.P.No.24093 of 2023 in S.T.C.No.3587 of 2019.



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For Petitioners : Mr.Nithyesh
for Mr.Anirudh A Sriram

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

Heard the learned counsel for the petitioner and perused the materials placed on record.

2. There is no merits in the challenge to the impugned order dated 07.05.2024 in Crl.M.P.No.24093 of 2023 filed by the complainant under Section 311 of Cr.P.C. Merely because after the arguments were heard on 25.04.2024, the said application in Crl.M.P.No.24093 of 2023 was filed under Section 311 of Cr.P.C., has been allowed would not mean there is any travesty of justice. The purpose of the trial is to ascertain the truth. By allowing the aforesaid application in Crl.M.P.No.24093 of 2023 for marking the document which was reportedly filed by the complainant in S.T.C.No.3587 of 2019 pending on the file of XIII Small Causes Court *ipso facto* will not mean there was a final determination of the case in one way or the other.

3. At best, the Court could have imposed cost on the complainant



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in S.T.C.No.3587 of 2019 for the delay. In case, at a later point of time, at the time of disposal of S.T.C.No.3587 of 2019, it turns out, the Court time was wasted, the Court can impose fine on complainant in S.T.C.No.3587 of 2019.

4. In view of the above, this petition stands dismissed. Consequently, connected miscellaneous petition stands closed. The Trial Court is directed to complete the proceedings as expeditiously as possible.

24.05.2024

dhk
Internet: Yes
Index: Yes/No
Speaking/Non speaking order

To

1. The Presiding Officer,
XXVI Metropolitan Magistrate, Egmore, Chennai.
2. The Public Prosecutor,
High Court, Madras.



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C. SARAVANAN, J.

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24.05.2024