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CrI.O.P.No.30128 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.30128 of 2024

and

CrI.M.P.No.17011 of 2024

B.Selvi

... Petitioner

Vs.

S.Krishnamoorthi

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the impugned order dated 25.10.2024 in CrI.M.P.No.12341 of 2024 in S.T.C.No.1271 of 2023 on the file of the learned Metropolitan Magistrate, Fast Track Court – IV, George Town, Chennai.

For Petitioner : Mr.V.Ramana Reddy

ORDER

This Criminal Original Petition is filed challenging the order dated 25.10.2024 in CrI.M.P.No.12341 of 2024 in S.T.C.No.1271 of 2023 on the file of the learned Metropolitan Magistrate, Fast Track Court – IV, George Town, Chennai.

2. Learned counsel for the petitioner submitted that the petitioner is an accused in S.T.C.No.1271 of 2023 on the file of the learned



CrI.O.P.No.30128 of 2024

Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV,

George Town, Chennai. Now the case is pending at the stage of arguments. At the time of cross examination of P.W.1, due to non-availability of the documents, the petitioner has not cross-examined P.W.1 in full. Therefore, the petitioner filed a petition under Section 348 BNSS in CrI.M.P.No.12341 of 2024 to re-open the case for cross examination of P.W.1. The trial Court, vide order dated 25.10.2024, dismissed the petition on the ground that the petitioner has not disclosed the details of the documents in the petition and only to drag on the case, the petitioner has filed CrI.M.P.No.12341 of 2024. Aggrieved by the said order, the present petition is filed by the petitioner.

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

4. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, in order to give an opportunity to the petitioner, this Criminal Original Petition is allowed on the following directions :-

(i) The petitioner is directed to produce the documents which were available with her, before the Court concerned on or before 12.12.2024.



CrI.O.P.No.30128 of 2024

(ii) On production of those documents, the learned Magistrate concerned is directed to give an opportunity of hearing to the petitioner and re-open the cross examination of P.W.1 and record his evidence and dispose of the matter on merits and in accordance with law on or before 20.12.2024.

(iii) As the case is pending at the stage of arguments, the petitioner is also directed to complete the arguments on or before 16.12.2024.

(iv) In case the petitioner is not co-operating for early disposal of the case, this Criminal Original Petition shall stand dismissed automatically without any further reference to this Court.

5. Consequently, connected miscellaneous petition is closed.

02.12.2024

Note : Issue Order Copy on 04.12.2024

Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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CrI.O.P.No.30128 of 2024

To

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The Metropolitan Magistrate,
Fast Track Court -IV,
George Town, Chennai.



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CrI.O.P.No.30128 of 2024

P.VELMURUGAN, J

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CrI.O.P.No.30128 of 2024

02.12.2024