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CrI.O.P.No.30110 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.30110 of 2024

and

CrI.M.P.No.16998 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 06.11.2024 in CrI.M.P.No.14675 of 2024 in S.T.C.No.1271 of 2023 on the file of the learned Metropolitan Magistrate, Fast Track Court - IV at George Town, Chennai, as illegal and consequently to permit the petitioner herein to re-open the D.W.1 in S.T.C.No.1271 of 2023 on the file of the learned Metropolitan Magistrate, Fast Track Court - IV at George Town, Chennai.

For Petitioner : Mr.V.Ramana Reddy

ORDER

This Criminal Original Petition is filed to set aside the impugned order dated 06.11.2024 in CrI.M.P.No.14675 of 2024 in S.T.C.No.1271



CrI.O.P.No.30110 of 2024

of 2023 on the file of the learned Metropolitan Magistrate, Fast Track Court - IV at George Town, Chennai, and consequently to permit the petitioner herein to re-open the evidence of D.W.1 in S.T.C.No.1271 of 2023.

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 Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai. Now the case is pending at the stage of arguments. Due to non-availability of the documents, the petitioner could not mark necessary documents. Therefore, the petitioner filed a petition in CrI.M.P.No.14675 of 2024 under Section 348 BNSS to re-open the case for cross examination of D.W.1 for marking of documents. The trial Court, vide order dated 06.11.2024, dismissed the petition on the ground that though sufficient opportunity was given to the petitioner during the trial to mark the documents, he did not avail the same. 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



CrI.O.P.No.30110 of 2024

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.

(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 D.W.1 for marking of documents 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.



CrI.O.P.No.30110 of 2024

5. Consequently, connected miscellaneous petition is closed.

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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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To

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



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CrI.O.P.No.30110 of 2024

P.VELMURUGAN, J

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CrI.O.P.No.30110 of 2024

02.12.2024