



CrI.O.P.(MD) No.9797 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.9797 of 2024

K.Sankar

... Petitioner

Vs

Ravichandran

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Judicial Magistrate, Paramakudi, Ramnad District in Cr.MP.NO.3202/2024 in CIS CrI.MP.No.490/2024 in CC.No. 04/2013 dt 13.06.2024 and set aside the same

For Petitioner : Mr. Sivaraman.D

For Respondent: No Appearance

ORDER

This Criminal Original Petition has been filed to set aside the order passed in Cr.MP.NO.3202/2024 in CIS CrI.MP.No.490/2024 in CC.No.04/2013, passed by the the learned Judicial Magistrate, Paramakudi,



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Ramnad District on 13.06.2024.

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2. The petitioner is arrayed as Accused No.1. The petitioner along with two other accused is facing trial before the Judicial Magistrate, Paramakudi in a private complaint instituted for the offences under sections 409, 420, 467, 468 and 471 IPC. In this case, trial has commenced in the month of December, 2023. On 22.12.2023, P.W.1 has been examined. However, the petitioner/accused did not prefer to cross-examine PW1. Thereafter, the case was adjourned to some other date. Again, PW2 and PW3 were examined in chief on 03.02.2024. On that day also, the petitioner/accused did not prefer to cross-examine them. Thereafter, the case was adjourned for five more hearings. Finally, when the case was posted for questioning under Section 313(1)(b) of Cr.P.C, the petitioner has come forward with the petition under Section 311 of Cr.P.C to recall the witnesses. The learned Magistrate has dismissed the petition, on considering the conduct of the petitioner in dragging the proceedings.

3.The learned counsel for the petitioner submitted that the petitioner is not having any intention to drag on the matter. The counsel was



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held up in some other Court with a case, therefore, he could not cross-examine the witnesses and it is neither intentional nor wanton. When the same witnesses were examined in the year 2015, they were cross-examined by the accused side on the same day.

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

5.Since the petitioner is facing offences under Sections 409, 420, 467, 468 and 471 IPC, in order to provide him one more opportunity, this Court is inclined to allow the petition, however with some cost.

6.In view of the above reasons, this Criminal Original Petition stands allowed and the impugned order in Cr.MP.NO.3202/2024 in CIS CrI.MP.No.490/2024 in CC.No.04/2013, dated 13.06.2024 is hereby set aside, on payment of cost of Rs.3,000/- (Rupees Three Thousand Only) to be paid to each witness (PW1 to PW3). On such payment, the learned Judicial Magistrate, Paramakudi is directed to provide one more opportunity to the petitioner and also fix a specific date for the appearance of witnesses



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for cross-examination. If the petitioner fails to utilise the opportunity, the trial Court shall proceed further with the available materials and take a decision on its own merits.

7.Considering that the case is pending from the year 2013, the trial Court shall take every endeavour to complete the trial within a period of two months from the date of receipt of copy of this order.

04.07.2024

NCC : Yes/No
Internet:Yes/No
Index:Yes/No

Note: Issue order copy on 08.07.2024

PNM

To

The Judicial Magistrate, Paramakudi, Ramnad District



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B.PUGALENDHI, J.

PNM

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