

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP.No.10734 of 2015

and

M.P.No.1 of 2015

K.Aswin Sidharth

...

Petitioner/Accused

P.Balakumar,
Proprietor,

M/s. Innovative Packers,
No.16/20, Grama Street,
Purasawalkam,
Chennai - 7

....

Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to the order dated 18.03.2015 in S.T.C. No.237/2014 on the file of the Fast Track Magistrate Court, Ambattur.

For Petitioner :M/s. S.Ravi Chandran, J.Stalin

For Respondent : M/s.P.Sivamani, M.Kalainathan

ORDER

The petitioner seeks a direction to the call for the records relating to the order dated 18.03.2015 in S.T.C. No.237/2014 on the file of the Fast Track Magistrate Court, Ambattur.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the material placed on record.

3. It is seen that the accused is facing prosecution under Section 138 of the Negotiable Instrument Act. After the examination of P.W1, when the matter was pending for cross examination, the accused filed an application in C.M.P.No.546/2015 and 547/2015 in S.T.C.No.237/2014 for summoning the Bank Manager and also for production of certain records. The learned trial court by a well considered order, dated 18.03.2015, dismissed the application on the short ground that the witness himself was not cross examined and the petitioner has not made out a case for summoning the Bank Manager and for production of documents. The trial court has dismissed the petition for the time being, holding that it is not maintainable at that stage.

4. The learned counsel for the petitioner submits that the petitioner/accused has cross examined the witness on 20.03.2015 and that should be looked into by this court. When this court is dealing with the order, dated 18.03.2015, the subsequent event namely the cross examination of the witness on 20.03.2015 cannot be looked into.

5. Under such circumstances, there is no merits in this petition and the same is dismissed.

6. The trial court is directed to complete the trial within a period of four months from the date of receipt of the copy of this order.

7. With the above direction, this petition is dismissed. Consequently, the connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

mrp

To

1.The Fast Track Magistrate, Ambattur.

1 cc to Mr.S.Ravi Chandran , Advocate Sr.No.28295

1 cc to M/s.P.Sivamani, Advocate Sr.No.27952

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