

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.20217 of 2015

K.Aswin Sidharth

.. Petitioner

Vs

P.Balakumar,
Proprietor,
M/s.Innovative Packers,
Purasawalkkam,
Chennai - 600 007.

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for records and set aside the order passed in CMP No.3350 of 2015 order dated 21.07.2015 passed by the Judicial Magistrate, Fast Track Court, Magisterial Level, Ambattur, and permit the petitioner to cross examine the P.W.s and recalling P.W.1 the complainant for cross examination in pending trial in S.T.C.No.237/2014 on the file of Judicial Magistrate, Fast Track Court, Magisterial Level, Ambattur.

For Petitioner
For Respondent

:Mr.C.Mohanraj
:Mr.P.Sivamani

ORDER

This Criminal Original Petition has been filed to call for records and set aside the order passed in CMP No.3350 of 2015 order dated 21.07.2015 by the Judicial Magistrate, Fast Track Court, Magisterial Level, Ambattur, and permit the petitioner to cross examine the P.W.s and recalling P.W.1 the complainant for cross examination in pending trial in S.T.C.No.237/2014 on the file of Judicial Magistrate, Fast Track Court, Magisterial Level, Ambattur.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. It is seen that the petitioner is facing trial for an offence under Section 138 of Negotiable Instrument Act in S.T.C.No.237 of 2014. Earlier, the petitioner filed C.M.P.Nos.546 of 2015 and 547 of 2015 in S.T.C.No.237 of 2014 for summoning the Bank Manager for production of certain records. This Court, after elaborately considering the submission, has dismissed the Cr1.O.P.No.10734 of 2015, on 10.06.2015. Even in the order dated 10.06.2015, this Court has observed that the petitioner/accused has

cross examined the complainant on 20.03.2015. While so, the petitioner filed another application under Section 311 Cr.P.C by changing the counsel on the ground that P.W.1 was not cross examined. The trial Court dismissed the petition in C.M.P.No.3350 of 2015 in S.T.C.No.237 of 2014 on 21.07.2015 on the ground that P.W.1 has been cross examined by the petitioner on 20.03.2015. Challenging the order dated 21.07.2015 passed by the trial Court, the petitioner is before this Court in this petition.

4. In this petition also, the petitioner has not disclosed about the earlier order passed by this Court in Crl.O.P.No.10734 of 2015. When the matter came up for admission, Mr.P.Sivamani, the learned counsel entered appearance for the respondent and brought to the notice of this Court about the earlier order dated 10.06.2015 passed in Crl.O.P.No.10734 of 2015.

5. Under these circumstances, this Court does not find any infirmity in the order passed by the trial Court. In the result, the petition is dismissed as devoid of merits.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

sms

To

1.The Judicial Magistrate,
Fast Track Court, Magisterial Level,
Ambattur.

1 cc to M/s.P.Sivamani, Advocate S42111r.No.42111
1 cc to M/s.C.Mohan Raj, Advocate Sr.No.42002

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