

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.21748 of 2015
and MP.No.1 of 2015

V.S.Palanisamy ... Petitioner
Vs
N.T.Arumugam ... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the order of the learned Judicial Magistrate, FTC-I, Erode passed in CMP.No.4756 of 2015 dated 10.08.2015 in STC.No.527 of 2012 and set aside the same and consequently direct the Judicial Magistrate, FTC-I, Erode to recall PW1 and permit the petitioner to re-examine him.

For Petitioner : Mr.A.Mohammed Ismail

O R D E R

This petition has been filed to set aside the order in CMP.No.4756 of 2015 dated 10.08.2015 passed by the learned Judicial Magistrate, FTC-I, Erode and permit the petitioner to recall PW1 for cross-examination.

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

3. It is seen that the petitioner is facing trial for an offence under Section 138 of Negotiable Instruments Act in STC.No.527 of 2012. After the prosecution evidence was over, the petitioner filed an application under Section 311 Cr.P.C to recall PW1 to cross-examine him on the ground that he has to be confronted with two documents. The Trial Court dismissed the petition in CMP.No.4756 of 2015 on 10.08.2015, challenging which, the petitioner is before this Court.

4. On reading of the petition filed by the petitioner before the Trial Court, he has not made out a prima facie case for recalling PW1. Though the provision under Section 311 Cr.P.C can be invoked at any time before the pronouncement of judgment, yet the same cannot be a pressed into service, without adequate grounds thereof.

5. In this case, the reasons given by the petitioner that he has to confront PW1 with certain documents without anything more, cannot be countenanced. This Court finds no infirmity in the order passed by the Trial Court. Hence, the petition is devoid of merits and dismissed. Consequently, connected Miscellaneous Petition is closed.

gya

s/d-

Assistant Registrar(CS-III)

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Sub-Assistant Registrar

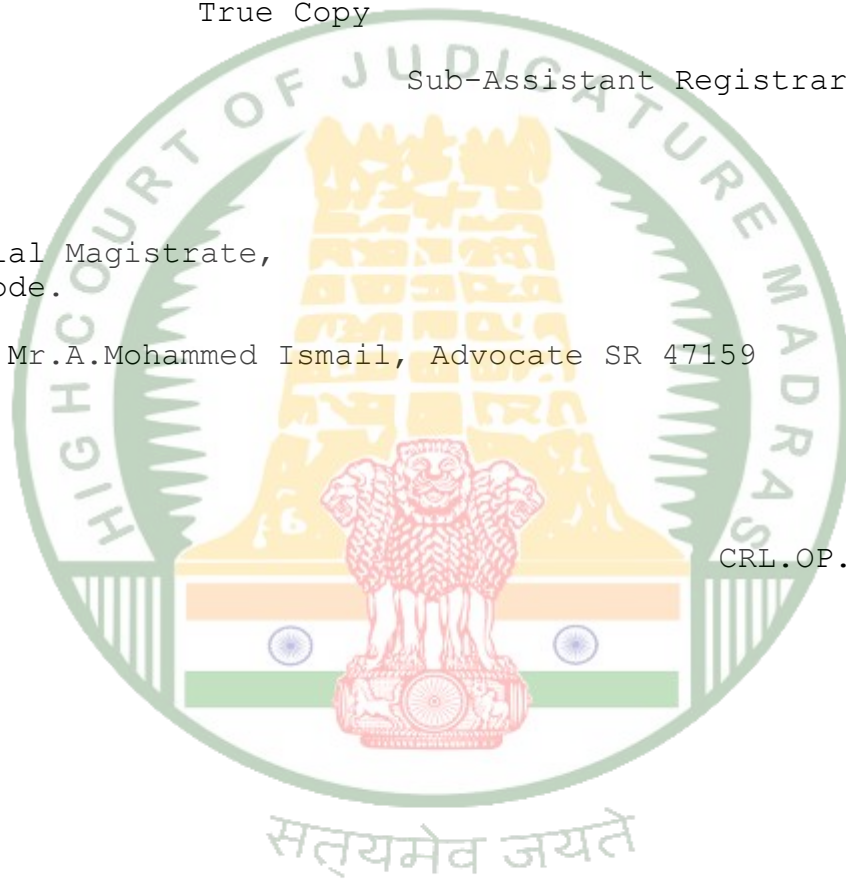
To

The Judicial Magistrate,
FTC-I, Erode.

+ 1 cc to Mr.A.Mohammed Ismail, Advocate SR 47159

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