

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.Nos.6959, 6960, 6961 and 6962 of 2015
and
M.P.Nos.1, 1, 1 and 1 of 2015

N.Jaiganesh
S/o.Narasiman

...Petitioner in all Crl.O.Ps.

Vs.

E.Babu
S/o.Eesanatha Mudaliar

...Respondent in all Crl.O.Ps.

Prayer : Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure praying to set aside the orders passed in C.M.P.No.5136 of 2014 in C.C.No.11 of 2011, C.M.P.No.5137 of 2014 in C.C.No.111 of 2011, C.M.P.No.5135 of 2014 in C.C.No.110 of 2011 and C.M.P.No.5138 of 2014 in C.C.No.338 of 2010 dated 31.10.2014 passed by learned Judicial Magistrate, Arni, Tiruvannamalai District.

For Petitione : Mr.S.P.Arthi

For Respondent : Mr.V.Ramana Reddy

C O M M O N O R D E R

Petitioner has filed these petitions seeking to quash the order passed by the learned Judicial Magistrate, Arni, Tiruvannamalai District, in C.M.P.No.5136 of 2014 in C.C.No.11 of 2011, C.M.P.No.5137 of 2014 in C.C.No.111 of 2011, C.M.P.No.5135 of 2014 in C.C.No.110 of 2011 and C.M.P.No.5138 of 2014 in C.C.No.338 of 2010 dated 31.10.2014.

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

3. On 10.04.2015, this Court passed the following order:
" The petitioner is the accused. The

complainant launched a prosecution under Section 138 of the Negotiable Instruments Act. He was examined as PW1 in the year 2011. From 2011 to 2014, he was not cross examined by the accused. Hence, the accused filed an application under Section 311 CrPC, which was dismissed. The accused filed another application under Section 311 CrPC, which was allowed on condition that the accused should cross examine PW1 on 20.11.2014 without fail. The accused was also directed to pay Rs.500/- as costs to the complainant on the same day. The accused failed to cross examine PW1 on 20.11.2014, for some reasons, which are not acceptable to this Court.

2. The learned counsel for the petitioner submitted that the accused is ready and willing to cross examine PW1 on any date, as fixed by this Court. The learned counsel for the complainant is also present.

3. In the interest of Justice, this Court is of the view that the complainant be directed to be present before the trial Court on 16.04.2015 and the accused should cross examine the complainant on that day. No dilatory tactics should be adopted because this Court is monitoring the trial. The petitioner/accused should pay Rs.500/- as costs to the complainant, as ordered by the trial Court, on 16.04.2015, before the witness enters into the witness Box.

Post on 21.04.2015."

4. Today it is represented by both sides that the petitioner has cross examined the witnesses on 16.04.2015.

5. Recording the same, these petitions are closed with a direction to the learned Judicial Magistrate, Arni, Tiruvannamalai District to expeditiously conduct the trial and complete the same within a period of six months from the date of receipt of a copy of this order. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

vsm

To

1. The Judicial Magistrate,
Arni,
Tiruvannamalai District.

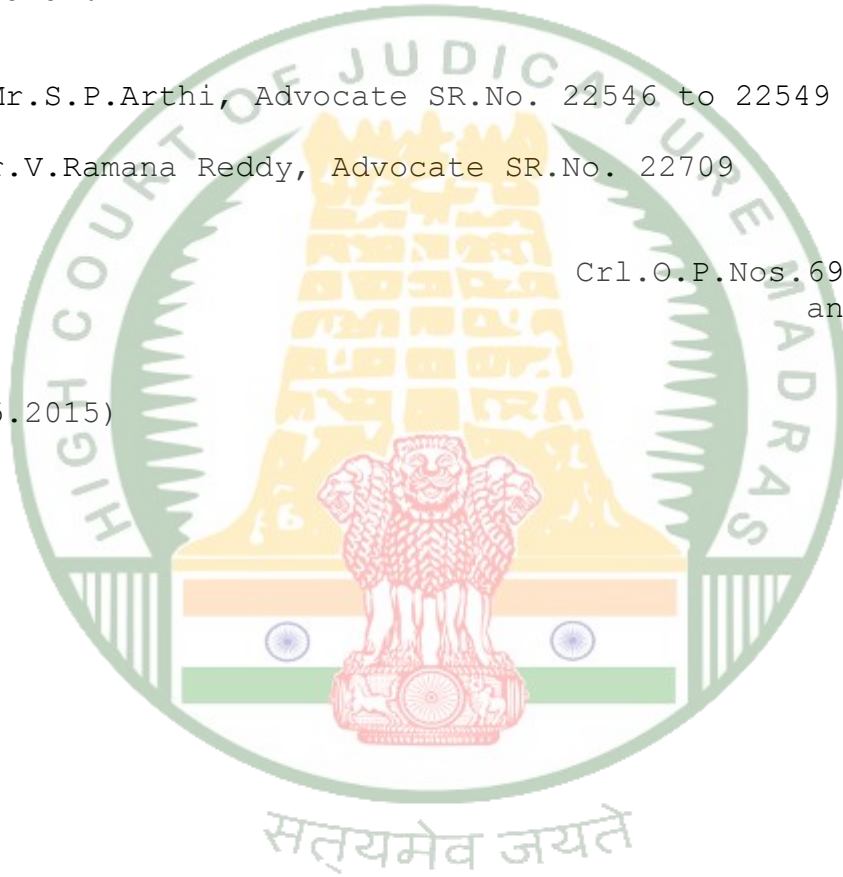
2. -Do- Through The Chief Judicial Magistrate,
Tiruvannamalai.

4 CCs to Mr.S.P.Arthi, Advocate SR.No. 22546 to 22549

1 CC to Mr.V.Ramana Reddy, Advocate SR.No. 22709

CrI.O.P.Nos.6959, 6960, 6961
and 6962 of 2015

JP (CO)
PSI (19.05.2015)



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