

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2016

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.Nos.1333 & 1334 of 2015
and
M.P.Nos.1 & 1 of 2015

K.Geetha
W/o.Kumarasamy ...Petitioner in Crl.R.C.No.1333/15

R.Mohanaraju
S/o.Rajamani ...Petitioner in Crl.R.C.No.1334/15

Vs

J.Alagappan ...Respondent in both revisions

Criminal Revision filed under section 397 r/w 401 of the Code of Criminal Procedure, against the order of learned Judicial Magistrate, Fast Track Court II, Erode, passed in (i) C.M.P.No.8549 of 2015 in S.T.C.No.333 of 2013 and (ii) C.M.P.No.8546 of 2015 in S.T.C.No.382 of 2013 on 21.11.2015.

For Petitioner : Mr.T.Gowthaman
(in both revisions)

For Respondent : Mr.I.C.Vasudevan

C O M M O N O R D E R

These revisions arise against the orders of learned Judicial Magistrate, Fast Track Court II, Erode, passed in (i) C.M.P.No.8549 of 2015 in S.T.C.No.333 of 2013 and (ii) C.M.P.No.8546 of 2015 in S.T.C.No.382 of 2013 on 21.11.2015.

2. In S.T.C.No.333 of 2013 and S.T.C.No.382 of 2013 on the file of learned Judicial Magistrate, Fast Track Court II, Erode, petitioners face prosecution for offence u/s.138 of the Negotiable Instruments Act and 420 IPC. Under C.M.P.Nos.8549 and 8546 of 2015, petitioners have sought to examine three persons

as defence witnesses. Against dismissal of such petitions, these revisions stand filed.

3. Heard learned counsel for petitioners and learned counsel for respondent.

4. In dismissing the petitions seeking examination of three persons as defence witnesses, the trial Court has inter alia informed that the non-involvement/lack of awareness of the transaction between petitioners and respondent/complainant has been spoken to by the respondent/complainant when examined as PW-1 and the examination of witnesses sought by the petitioners is unnecessary. Petitions seeking summoning of three persons as defence witnesses have been moved immediately at the stage when the examination of defence witnesses was to commence. Every opportunity should be afforded to an accused to prove his defence. In the instant case, it is seen that the petitioners have sought examination of only three persons as defence witnesses. The concern of the Court below that there should be no protraction of proceedings could well be addressed by requiring the petitioners to complete examination of defence witnesses within a time frame.

These Criminal Revisions stand allowed. The orders of learned Judicial Magistrate, Fast Track Court II, Erode, passed in (i) C.M.P.No.8549 of 2015 in S.T.C.No.333 of 2013 and (ii) C.M.P.No.8546 of 2015 in S.T.C.No.382 of 2013, on 21.11.2015, stand set aside. Consequently, connected miscellaneous petitions are closed. The Court below is required to issue summons to the three defence witnesses requiring their appearance before it at an early date. This Court records the undertaking of learned counsel for petitioners that such witnesses will be examined as defence witnesses on the very dates of their appearance. It will be open to the respondent/complainant to cross-examine such witnesses. The trial Court shall make every endeavour to dispose of the cases as expeditiously as possible and in any event, not later than four months from the date of receipt of this order.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gm

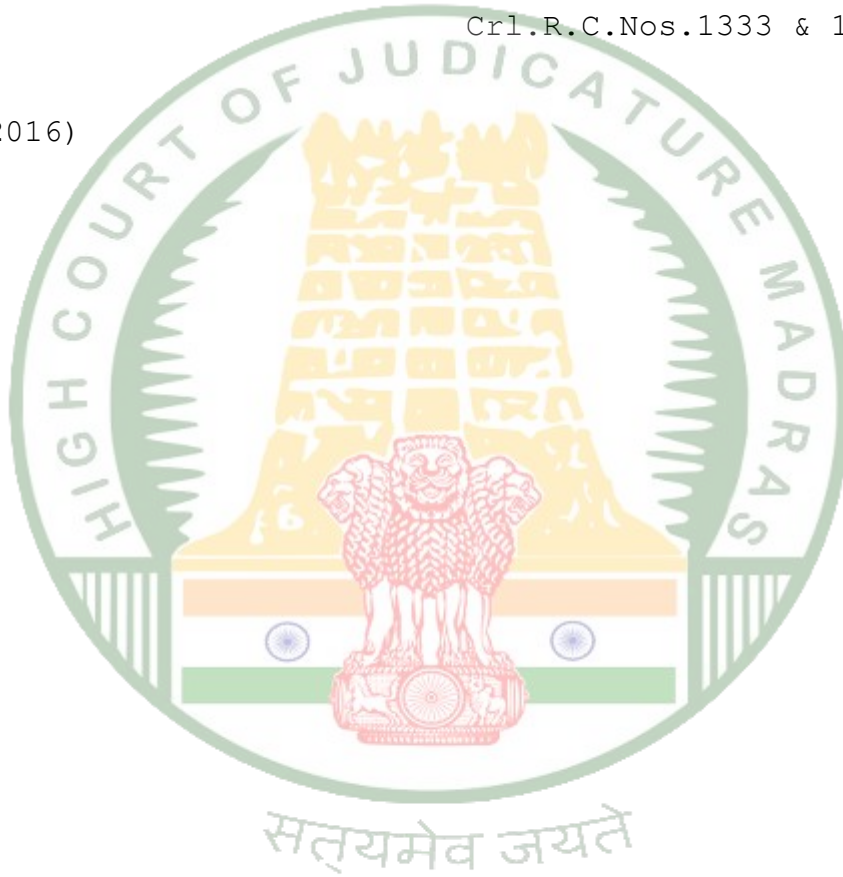
To

The Judicial Magistrate,
Fast Track Court II,
Erode.

+2cc's to Mr.I.C.Vasudevan, Advocate, S.R.No.4453 & 4454

Crl.R.C.Nos.1333 & 1334 of 2015

AD(CO)
CA(28/01/2016)



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