

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.26586 of 2015
and M.P.No.1 of 2015

M/s.Ganesh Chemicals,
rep. by its Partner,
C.N.Kumar

... Petitioner

Vs

K.S.Rajpurohit, M

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order dated 29.9.2015 passed in Crl.M.P.No.2824 of 2015 in S.T.C.No.307 of 2011 on the file of the learned Judicial Magistrate No.I, Erode.

For Petitioner : Mr.I.C.Vasudevan

For respondent : Mr.V.Balamurugan

ORDER

The present criminal original petition has been filed by the petitioner to set aside the order dated 29.9.2015 passed in Crl.M.P. No.2824 of 2015 in S.T.C.No.307 of 2011 on the file of the learned Judicial Magistrate No.I, Erode.

2. On the basis of the private complaint given by the petitioner as against the respondent, a case was registered in S.T.C.No.307 of 2011 under Section 138 of the Negotiable Instruments Act, by the learned Judicial Magistrate No.I, Erode. The partner of the petitioner firm has been examined as P.W.1. During the course of trial, the respondent has made part of the cheque amount. On completion of evidence, the petitioner has filed a petition under Section 311 Cr.P.C. in Crl.M.P.No.2824 of 2015 to recall P.W.1 to re-open his evidence so as to enable the petitioner to mark the copy of the statement of accounts of the respondent. But, the learned Magistrate dismissed the said petition by order dated 29.9.2015, stating that if the petitioner is permitted to mark the statement of account of the respondent, it would amount to

permitting the petitioner to fill up the lacuna on his part. Aggrieved over the said finding, the present petition has been filed.

3. It is the main submission of the learned counsel appearing for the petitioner that the petitioner wanted to mark only the statement of accounts of the respondent, which was filed along with the complaint. Therefore, the question of filling up the lacuna does not arise in this case.

4. Learned counsel appearing for the respondent submitted that in this case, after completion of evidence, the matter is posted today for pronouncing judgment. Thus, he opposed to allow this petition.

5. Since the evidence has been closed and the matter is posted for pronouncing judgment, at this juncture, this Court is not inclined to entertain the petition. Hence, the present criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

sbi

To

The Judicial Magistrate No.I,
Erode.

1 cc to Mr.I.C. Vasudevan, Advocate, Sr. 4455
1 cc to M/s.V. Balamurugan, Advocate, Sr. 4206

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