

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.19847 of 2016 & Crl.M.P. No.9293 of 2016

V. Thirugnanasambandam Petitioner/Respondent/Complainant

vs.

M. Gopalakrishnan Respondent/Petitioner/Accused

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to set aside the order dated 03.06.2016 passed in C.M.P. No.2691 of 2016 in C.C. no.7 of 2012 on the file of the Judicial Magistrate Court (Fast Track Court) Tiruppur.

For petitioner Mr. S. Saravanan

ORDER

This Criminal Original Petition is filed seeking to set aside the order dated 03.06.2016 passed in C.M.P. No.2691 of 2016 in C.C. No.7 of 2012 on the file of the Judicial Magistrate Court (Fast Track Court) Tiruppur.

2 The petitioner is the complainant in C.C. No.7 of 2012 before the Judicial Magistrate Court (Fast Track Court), Tiruppur under Section 138 of the Negotiable Instruments Act, 1881. In the said case, the respondent/accused appears to have filed a petition in C.M.P. No.2691 of 2016 for reopening the prosecution case for the purpose of cross-examination of defence witnesses, which was allowed by the Trial Court by order dated 03.06.2016, challenging which, the complainant is before this Court.

3 The learned counsel for the petitioner submitted that the trial is pending from 2012 and only to protract the trial, the accused has filed the aforesaid petition, which the Trial Court has allowed, without even passing a speaking order.

4 Though there is sufficient force in the contention of the learned counsel for the petitioner, yet, as pointed out by the Trial Court, a fair opportunity should be given to the defence in order to adduce his evidence, especially in the teeth

of the burden under Section 139 of the Negotiable Instruments Act. If this Court admits this case and grants an order of interim stay, it will only further prolong the agony of the petitioner/complainant.

Under such circumstances, this petition is closed with a direction to the Trial Court to ensure that the defence witnesses are examined within a period of one month from the date of receipt of a copy of this order, failing which the respondent/accused will forfeit his right to examine the defence witnesses. Connected Crl.M.P. is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

cad

To

- 1 The Judicial Magistrate Court, (Fast Track Court)
Tiruppur
- 2 The Public Prosecutor, Madras High Court
Chennai 600 104

Crl.O.P. No.19847 of 2016

NRJK (CO)
MD : 16/09/2016

सत्यमेव जयते

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