

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.OP.No.23259 of 2016

and Crl.MP.10885 of 2016

G.S.Sivanandham

Petitioner

Vs

V.S.Shanmugam

Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order dated 05.03.2016 in CMP.No.1476 of 2016 in C.C.No.201 of 2009 pending on the file of the learned Judicial Magistrate No.I, Gobichettipalayam, Erode District.

For Petitioner : Mr.A.Devnarenderan

O R D E R

This Criminal Original Petition has been filed to modify the condition imposed by the Principal Sessions Judge, Villupuram in Crl.MP.No.4834 of 2016 dated 22.09.2016.

2. For the sake of convenience, the parties will be referred to by their name. Shanmugam has initiated prosecution in CC.No.201 of 2009 before the learned Judicial Magistrate, Gobichettipalayam under Section 138 of the Negotiable Instruments Act against Sivanandham. After the completion of prosecution evidence, the accused was examined under Section 243 Cr.P.C. and the case was posted for defense evidence on 14.09.2015. Subsequently, the defense side was closed by the trial Court. Thereafter, Sivanandham filed Crl.M.P.N0.1476 of 2016 for re-opening the case, which was dismissed by the trial Court on 05.03.2016, challenging which, Sivanandham is before this Court.

3. Heard the learned counsel appearing for Sivanandham, who submits that undue prejudice will be caused, if the trial Court order is not set aside.

4. It is seen that the learned trial Judge has noted that the case has been dragged from the year 2012 to 2016 only for the purpose of defense witness. In the meantime, Sivanandham had filed CMP.No.3444 of 2015, which was dismissed by the trial Court and the same has also been confirmed by this Court. Even in the petition in CMP.No.1476 of 2016 filed by Sivanandham,, he has not given any reasons worth for re-opening the prosecution case. Hence, there is no infirmity in the order passed by the trial Court warranting interference by this Court under Section 482 Cr.P.C.

5. Therefore, this petition is dismissed with a direction to the trial Court to complete the trial within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Judicial Magistrate

1 Gobichettipalayam
Erode District

+1 CC to Mr. A. Devarendevan, Advocate Sr.No.59808

pk (CO)
md (12/11/2016)

Cr1.OP.No.23259 of 2016