



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2016

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THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

Crl.O.P (MD) Nos.20158, 20159 and 20160 of 2016
and

Crl.M.P. (MD) .Nos.10120, 10121 and 10122 of 2016

V.K.Balamurugan .. Petitioner in all cases

vs.

D.Paulraj .. Respondent in all cases

Common Prayer: Criminal Original Petitions filed under Section 482 Cr.P.C. praying to set aside the order passed in Crl.M.P.Nos.7335, 7376 and 7377 of 2016, in S.T.C.Nos.316, 323 and 330 of 2012 respectively, dated 23.09.2016, on the file of the learned Judicial Magistrate No.I, Fast Track Court at Magisterial Level, Madurai by allowing this Criminal Original Petition and to permit the petitioner/accused to recall PW-1 for the purpose of cross-examination.

For Petitioner : Mr.S.Ramasamy
in all cases

For Respondent : Mr.M.Pitchaimuthu
in all cases

COMMON ORDER

These petitions are filed to set aside the order passed in Crl.M.P.Nos.7335, 7376 and 7377 of 2016, in S.T.C.Nos.316, 323 and 330 of 2012 respectively, dated 23.09.2016, on the file of the learned Judicial Magistrate No.I, Fast Track Court at Magisterial Level, Madurai and to permit the petitioner/accused to recall PW-1 for the purpose of cross-examination.

2. Heard the learned counsel appearing for the petitioner and perused the records.

3. It is seen from the records that the petitioner is an accused in a private complaint filed by the respondent under Section 138 of Negotiable Instruments Act. The third application filed by the accused under Section 311 of Cr.P.C., came to be considered by the court observing that the earlier two applications filed in the year 2014 and 2015 with the same prayer were allowed and the



accused has not utilised the opportunity. The learned Judicial Magistrate has passed the impugned order by relying upon the decision reported in **2016(1) LW(Cr1) 561**.

4. In the circumstances, I do not find any illegality in the order passed by the Court below, warranting interference by this Court. Hence, these Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar(A.S.,)

/TRUE COPY/

Sub Assistant Registrar

To

The Judicial Magistrate No.I,
Fast Track Court at Magisterial Level, Madurai

+1cc to M/s.S.Ramasamy, Advocate, in SR No.62625.

+1cc to M/s.M.Pitchai Muthu, Advocate, in SR No.63428.

Cr1.O.P(MD)Nos.20158, 20159
and 20160 of 2016
21.10.2016

pjl
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