



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2016

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CrI.OP(MD) No.5637 of 2016

and

CrI.M.P. (MD) No.2794 of 2016

V.George

..Petitioner/Respondent/Complainant

Vs

D.Mahendran

.. Respondent /Petitioner/Accused

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order passed in Cr.M.P.No.6814 of 2015 in S.T.C.No.3102 of 2014, on the file of the Judicial Magistrate No.2, Trichy, dated 11.08.2015.

For Petitioner

: Mr.H.Arumugam

O R D E R

This petition has been filed to set aside the order passed in Cr.M.P.No.6814 of 2015 in S.T.C.No.3102 of 2014, on the file of the Judicial Magistrate No.2, Trichy, dated 11.08.2015.

2. Heard the learned Counsel for the petitioner.

3. It is seen that this petitioner is the complainant in S.T.C.No.3102 of 2014 and after he was examined in chief, he was extensively cross-examined by the accused. Thereafter the accused appears to have filed an application under Section 311 Cr.P.C. r/w 145(2) of Negotiable Instruments Act, to recall the petitioner for further cross-examination on some specious ground.

4. The Junior Counsel on record seems to have endorsed "No Objection" in the petition filed by the accused, on account of which, the learned trial Judge has allowed the petition without a speaking order. Challenging the said order, the complainant is before this Court.

5. Mr.H.Arumugam, learned Counsel appearing for the petitioner, has submitted that he has no objection for further cross-examination, but the only grievance is that the accused has



cited wrong provisions of law viz., Section 145(2) of Negotiable Instruments Act.

6. It is true that Section 145(2) of Negotiable Instruments Act will not apply in this case, because the complainant was already cross-examined earlier extensively by the accused. However, quoting of wrong provisions of law will not vitiate a judicial order. Under such circumstances, this Criminal Original Petition is devoid of merits and the same is closed and consequently, the connected Miscellaneous Petition is also closed. The trial Court is directed to complete the trial in S.T.C.No.3102 of 2014 within a period of three months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To
The Judicial Magistrate Court No.2, Trichy,
+1cc to Mr.H.Arumugam, Advocate, Sr.No.19722
ssl
JM/GSV-PM/22.04.2016/2P-3C

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