

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

CrI.R.C.Nos.137 and 138 of 2017
and
CrI.M.P.Nos.1495 and 1496 of 2017

Anbuselvan
S/o.Shanmugasundaram

.. Petitioner in both revisions

vs.

Savithri
W/o.Chandrasekaran

.. Respondent in both revisions

Criminal Revision Cases filed under Section 397 and 401 Cr.P.C. against the orders of learned Judicial Magistrate, Fast Track Court II, Coimbatore, passed in C.M.P.Nos.5742 and 5743 of 2016 in S.T.C.No.80 of 2012 on 04.01.2017.

For Petitioner : Mr.R.Rajarajan

COMMON ORDER

These revisions arise against the order of learned Judicial Magistrate, Fast Track Court II, Coimbatore, passed in C.M.P.Nos.5742 and 5743 of 2016 in S.T.C.No.80 of 2012 on 04.01.2017.

2. Petitioner faces trial in S.T.C.No.80 of 2012 on the file of learned Judicial Magistrate, Fast Track Court II, Coimbatore, for offence u/s.138 of the Negotiable Instruments Act. Respondent is the complainant. Petitioner/accused moved C.M.P.No.5742 of 2016 to re-open the case towards examining one of the alleged attestors of pro-note, Ex.A5, as DW-3 and C.M.P.No.5743 of 2016 seeking permission to examine such person. Court below, under common order dated 04.01.2017, dismissed such petitions. Hence, these revisions.

3. Heard learned counsel for petitioner.

4. In dismissing the petitions, Court below has found that the case is at the stage of arguments for two years and that the petitioner was filing petition after petition under the pretext of not having adequate knowledge of proceedings. Petitioner is conducting his case through a counsel and hence, his submission of being unaware of proceedings was not acceptable. The case is of

the year 2007 and the petitioner has dragged the matter for nearly nine years. Petitioner had chosen to file petition after petition purposely to delay the proceedings in the case. When it was the case of petitioner that he has given promissory note and the cheque in blank, the examination of the other attestor to the promissory note will not improve the case of either party. Observing that similar application seeking re-opening of the case has already been allowed on condition, Court below has dismissed the petitions. This Court finds no error in the order under challenge.

These Criminal Revision Cases are dismissed. Connected miscellaneous petitions are closed.

02.02.2017

Index:yes/no
Internet:yes/no
gm

To
The Judicial Magistrate,
Fast Track Court II,
Coimbatore.

C.T. SELVAM, J

gm

Crl.R.C.Nos.137 and 138 of 2017

02.02.2017

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