

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.06.2017
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.Nos.7373 to 7378 of 2017
and
Crl.M.P.Nos.5315 to 5320 of 2017

Y.Krishnamurthy

.. Petitioner in
all the Crl.O.Ps.

Vs.

Sree Gokulam Chits and Finance Company
Limited, rep.by Mr.Mukundan,
No.66, Arcot Road, Chennai-600 024.

.. Respondent in all
the Crl.OPs.

Crl.O.P.No.7373 of 2017 filed under Section 482 of the Criminal Procedure Code, to set aside the impugned order dated 20.02.2017 in Crl.M.P.No.316 of 2017 in C.C.No.6395 of 2010 on the file of the Fast Track Court-III, Saidapet, Chennai.

Crl.O.P.No.7374 of 2017 filed under Section 482 of the Criminal Procedure Code, to set aside the impugned order dated 20.02.2017 in Crl.M.P.No.315 of 2017 in C.C.No.6396 of 2010 on the file of the Fast Track Court-III, Saidapet, Chennai.

Crl.O.P.No.7375 of 2017 filed under Section 482 of the Criminal Procedure Code, to set aside the impugned order dated 20.02.2017 in Crl.M.P.No.312 of 2017 in C.C.No.6401 of 2010 on the file of the Fast Track Court-III, Saidapet, Chennai.

Crl.O.P.No.7376 of 2017 filed under Section 482 of the Criminal Procedure Code, to set aside the impugned order dated 20.02.2017 in Crl.M.P.No.317 of 2017 in C.C.No.6404 of 2010 on the file of the Fast Track Court-III, Saidapet, Chennai.

Crl.O.P.No.7377 of 2017 filed under Section 482 of the Criminal Procedure Code, to set aside the impugned order dated 20.02.2017 in Crl.M.P.No.313 of 2017 in C.C.No.6405 of 2010 on the file of the Fast Track Court-III, Saidapet, Chennai.

Crl.O.P.No.7378 of 2017 filed under Section 482 of the Criminal Procedure Code, to set aside the impugned order dated 20.02.2017 in Crl.M.P.No.314 of 2017 in C.C.No.6410 of 2010 on the file of the Fast Track Court-III, Saidapet, Chennai.

For Petitioner : Mr.P.Pazhamalai
in all Crl.OP's

For Respondent : Mr.L.Rajasekar
in all Crl.OP's

COMMON ORDER

The petitioner states that he came to understand that the respondent / complainant had filed Arbitration Proceedings before the District Registrar (Chits), Chennai against him and obtained ex-parte order in the year 2009 claiming the amount of Rs.65,25,200/- in all these cases, being the chit amount of the petitioner, which were not available at the time of cross-examination before the Trial Court. The respondent has filed these cases under Section 138 of the Negotiable Instruments Act in the year 2010 after the arbitration award in 2009. It is also stated that the petitioner filed petitions under Section 311 Cr.PC before the Trial Court for recall of the witness PW1, but the Trial Court dismissed the same without giving any reasons.

2.The learned counsel for the petitioner submits that the petitions filed by the petitioner under Section 311 of Cr.PC were dismissed by the Trial Court without giving any opportunity to the petitioner. Hence, the learned counsel prayed for quashing the orders impugned herein.

3.Heard the learned counsel for the respondent on the submissions made by the learned counsel for the petitioner.

4.Considering the facts and circumstances of the case, the impugned orders dated 20.02.2017 are quashed and the petitioner is permitted to cross examine P.W.1 on 29.06.2017 before the Trial Court. It is made clear that the permission to cross-examine the above witness has been granted on condition that the petitioner has to pay a sum of Rs.6,000/- (Rupees Six Thousand only), ie., Rs.1,000/- for each case, as cost, to the Tamil Nadu Legal Services Authority, Chennai-600104, within a period of one week from today. It is made clear that no further adjournments or no petition under Section 311 Cr.PC be entertained by the Trial Court.

5.The Criminal Original Petitions are disposed of accordingly. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

KM

To

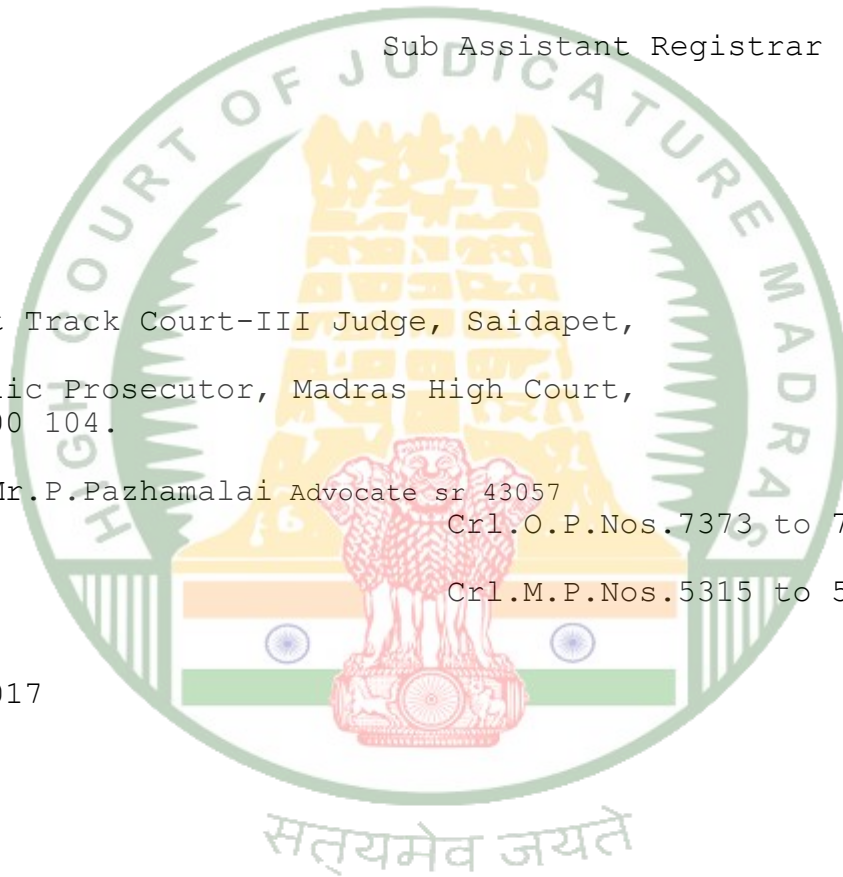
1.The Fast Track Court-III Judge, Saidapet, Chennai.

2.The Public Prosecutor, Madras High Court, Chennai-600 104.

+1 cc to Mr.P.Pazhamalai Advocate sr 43057

CrI.O.P.Nos.7373 to 7378 of 2017
and
CrI.M.P.Nos.5315 to 5320 of 2017

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