

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2017

CORAM:

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

Crl.R.C.Nos.6 and 7 of 2017 and
Crl.M.P.Nos.40 and 41 of 2016

K.Kanagaraj

.. Petitioner in both cases

Vs.

K.Manoharan @ Ramesh

...Respondent in both cases

Criminal Revision Cases filed under Sections 397 and 401 Cr.P.C. against the order dated 07.12.2016 made in C.M.P.No.5629 of 2016 and C.M.P.No.5637 of 2016 in S.T.C.No.25 of 2016 and S.T.C.No.201 of 2016 on the file of the learned Judicial Magistrate, FTC-I, Erode.

For Petitioner in both cases : Mr.M.Guruprasad

For Respondents in both cases : No Appearance

O R D E R

These revisions challenge the order of the learned Judicial Magistrate No.I, Erode passed in C.M.P.Nos.5629 and 5637 of 2016 in S.T.C.Nos.25 and 201 of 2016.

2. The respondent / accused in the case, pending trial for the offence under Section 138 of Negotiable Instruments Act, sought permission to examine three persons as defence witnesses. Such petitions were allowed.

3. Pursuant to the orders under challenge, the examination of two of the three witnesses has been completed. The petitioner's grievance is against the requirement of the third witness being examined. The petitioner submits that:

"The 3rd witness who has been cited as the defence is none other than the wife of the petitioner/complainant. It is an admitted fact that the complainant and the accused are relatives. The wife of the complainant and the accused are cousins and there were no cordial terms between the mothers of the duo. Further

the wife of the complainant is no way connected to any of the business transactions that had taken place between the petitioner/complainant and the respondent/accused.

The respondent /accused only in order to harass the petitioner/complainant had summoned his wife as a defence witness. The petition is bereft of any material particulars."

4. The respondent, though served, has not appeared before this Court.

3. The contentions of petitioner stand un rebutted. In the circumstances, this Court consider it appropriate to allow these revisions and interfere with the orders of the Court below.

4.The orders of the Court below in C.M.P.No.5629 of 2016 and C.M.P.No.5637 of 2016 in S.T.C.Nos.25 and 201 of 2016 shall stand set aside insofar as it permits the examination of Mrs.Vanathi, W/o. K.Kanagaraj as a witness.

5. The criminal revisions ordered as above. Consequently connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS-VI)

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Sub-Assistant Registrar

To

The Judicial Magistrate, FTC-I,
Erode

+2 Ccs to Mr. M. Guruprasad, Advocate sr 8680,8681

CrI.R.C.Nos.6 and 7 of 2017 and
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