

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.8963 of 2014
and
M.P.Nos.1 and 2 of 2014

K.Jansi Rani

...Petitioner

Vs

Meganathan

...Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in M.P.No.2557 of 2013 in CC No.1288 of 2009 on the file of the Metropolitan Magistrate Fast Track Court No.2, Egmore, Chennai and set aside the order passed in MP.No.2557 of 2013 in CC No.1288 of 2009.

For Petitioner : Mr.K.S.Kumar

For Respondent : Mr.R.Karthikeyan

ORDER

Challenging the order dated 15.11.2013 passed by the learned Metropolitan Magistrate, Fast Track Court No.2, Egmore, Chennai in M.P.No.2557 of 2013 in CC No.1288 of 2009, the present Criminal Original Petition has been filed by the petitioner/accused.

2. Heard both sides.

3. On a perusal of the documents placed before this Court by way of typed set of papers, it could be seen as follows:

(i)The respondent herein has filed a private complaint against the petitioner herein for the alleged offence punishable under Section 138 of the Negotiable Instruments Act and the same was taken on file as CC No.1288 of 2009 by the learned Metropolitan Magistrate, Fast Track Court No.2, Egmore, Chennai. P.W.1 was examined on 14.10.2010 and was cross examined by the petitioner on 13.09.2011, 31.01.2012, 08.02.2012 and 19.10.2012.

P.W.2 was examined on 06.06.2012. The petitioner examined herself as D.W.1 on 19.12.2011 and was cross examined by the respondent. Thereafter, the case stood adjourned for arguments.

(ii) At that time, the petitioner has filed a petition in M.P.No.1140 of 2013 to recall PW1 and PW2 for further cross examination and recall D.W.1 for marking some documents viz., attendance register relating to one R.Chandrasekaran, who is the brother of the complainant and a copy of the judgment dated 29.11.2011 made in CC No.96/2011, which was filed by the said R.Chandrasekaran against the petitioner herein. The said petition was dismissed by the trial court, by order dated 03.06.2013, against which, the petitioner filed Crl.O.P.No.16159 of 2013, which was also dismissed by this Court, by order dated 04.09.2013.

(iii) Thereafter, the petitioner again filed a petition in Crl.M.P.No.2557 of 2013 under Section 311 Cr.P.C seeking permission to examine the said R.Chandrasekaran and to mark the documents pertaining to the case filed by the said R.Chandrasekaran against her. By order dated 15.11.2013, the said petition was dismissed by the trial court on the ground that in the reply notice sent by the petitioner, there was no sufficient averment relating to the link between the said R.Chandrasekaran and the present case and hence, the said witness was treated as irrelevant witness. Aggrieved over the same, the present petition came to be filed.

4. This Court finds no reason to interfere with the order so passed by the trial court, while dismissing the petition filed by the petitioner under Section 311 Cr.P.C, as the evidence was already over and the case stood adjourned for arguments.

5. At this juncture, learned counsel for the petitioner would appeal to this Court to direct the learned Metropolitan Magistrate, FTC No.II, Egmore, Chennai, to look into the judgment dated 29.11.2011 passed by the Fast Track Court (Magisterial Level), Vellore District in CC No.96 of 2011, stating that there is a link between the said R.Chandrasekaran and the present case and that, the said judgment is relevant for arriving at a proper and just decision in CC No.1288 of 2009, pending on his file.

6. This Court is inclined to consider such request made on the side of the petitioner. Accordingly, the learned Metropolitan Magistrate, Fast Track Court No.2, Egmore, Chennai, is directed to look into the judgment dated 29.11.2011 rendered by the Fast Track Court (Magisterial Level), Vellore in CC No.96 of 2011 and pass appropriate orders on merits and in accordance with law in CC No.1288 of 2009 pending on his file.

7. With the above direction, this petition is dismissed. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rk

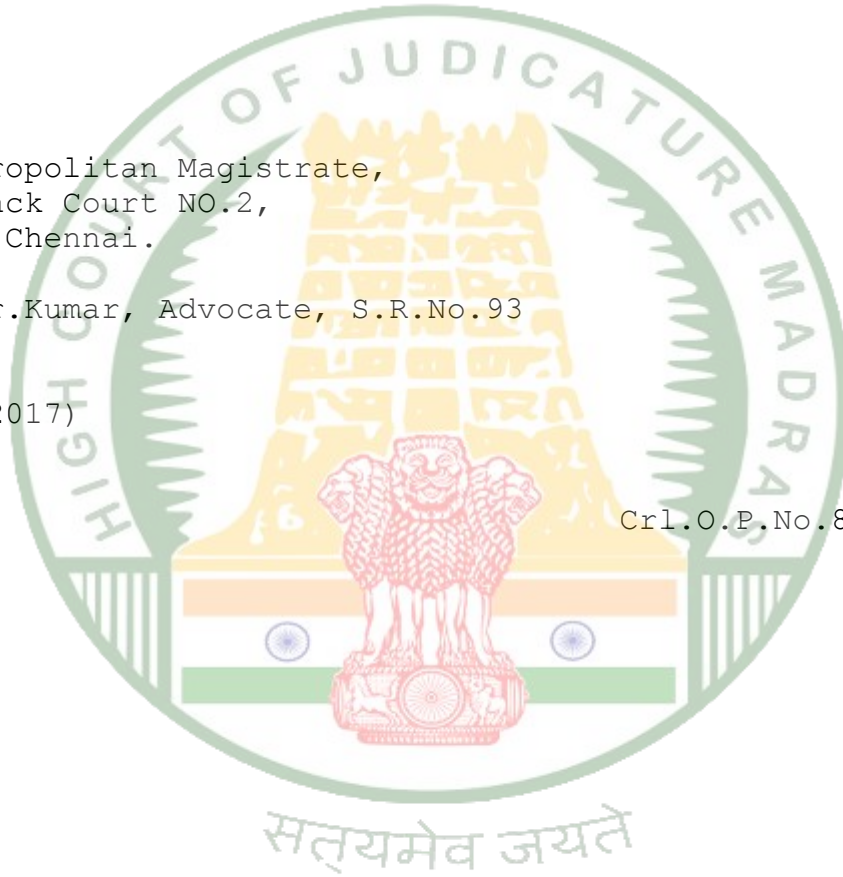
To

1.The Metropolitan Magistrate,
Fast Track Court NO.2,
Egmore, Chennai.

+1cc to Mr.Kumar, Advocate, S.R.No.93

MP (CO)
RS (31/01/2017)

Crl.O.P.No.8963 of 2014



WEB COPY