

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.3302 of 2015
and M.P.No.1 of 2015

M.Racdhal Freeda

[Petitioner/Petitioner/Accused]

Vs

S.Natrajan

[Respondent/Respondent/Complainant]

Petition filed under Section 482 of the Criminal Procedure Code, to set aside the order of the learned Judicial Magistrate-III, Salem dated 04.03.2014 made in C.M.P.No.6713 of 2013 in STC No.741 of 2012.

For Petitioner : No appearance

O R D E R

Seeking certain documents from P.W.1 to prove the case of the defence, to cross examine P.W.1, the petitioner filed a petition before the learned Judicial Magistrate No.III, Salem. The said petition has been dismissed by the Trial Court. Hence the petitioner has come up with the present Criminal Original Petition.

2.The matter relates to bouncing of cheque, pursuant to which proceedings under Section 138 of the Negotiable Instruments Act has been initiated against the petitioner. On a perusal of the order passed by the Trial Court, it is seen that PW1 was examined in chief on 20.11.2012 and the evidence of PW1 was recalled and cross-examined in part on 03.05.2013. Further, in spite of sufficient opportunities given, the petitioner has not utilised those opportunities to cross-examine PW1. Since the execution of the cheque and the passing of the consideration are not denied, and further the capacity of the complainant to advance such amount as loan, was also not denied at the time of cross-examination of PW1, and that since no proper explanation has been given by the petitioner about the relevancy of the documents, the Trial Court dismissed the application filed under Section 91 of Cr.PC.

3.On the failure of the petitioner to explain the need for entertaining the petition filed under Section 91 of Cr.PC, the trial Court has dismissed the application, which in the considered view of this Court, does not require any interference. This Criminal Original Petition was filed in the year 2015 and the matter has been periodically adjourned till 01.04.2015 and thereafter the matter was not listed. Further no steps have been taken by the petitioner to serve the affidavit and the typed set of papers to the other side for their appearance.

4.In view of the reasons stated supra, the Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

KM

To

The Judicial Magistrate-III, Salem.

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and M.P.No.1 of 2015

SJ(CO)
EU 4.5.17

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