



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) No.7907 of 2017

and

CrI.M.P. (MD) No.5391 of 2017

Ujin Sasikumar

: Petitioner

-Vs-

C.Suther

: Respondent

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to set aside the order in CrI.M.P.(MD)No.1867 of 2017 in S.T.C.No.237 of 2015, dated 31.05.2017 by the Judicial Magistrate, Padmanabhapuram, Kanyakumari District.

For Petitioner : Mr.S.Ramasamy
for Mr.C.T.Perumal

O R D E R

The petitioner is an accused in S.T.C.No.237 of 2015 before the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District for the offence under Section 138 of the Negotiable Instruments Act. The complainant was examined as P.W.1 and he was not cross-examined by the accused. Thereafter the accused filed CrI.M.P.1867 of 2017 for recalling P.W.1, which was dismissed by the trial Court on 31.05.2017. Challenging the said order, the accused has filed the present petition before this Court on 22.06.2017.

2. Mr.S.Ramasamy, learned Counsel appearing for the accused submitted that C.Suther (P.W.1) died on 25.06.2017.

3. In view of the above, this Criminal Original Petition is dismissed as infructuous and the evidence of P.W.1 cannot be eschewed for the failure of the accused to cross-examine him immediately as per the law laid down by the Honourable Supreme Court in **Vinod Kumar Vs. State of Punjab**, reported in **2015(1) MLJ 288(SC)**. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar(AD-II)

/True Copy/



To

The Judicial Magistrate, Padmanabhapuram,
Kanyakumari District.

Ssl

AE/JC/SAR1/10.07.2017/2P/2C

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