

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.27439 of 2016
and CrI.O.P.No.13978 of 2016

M.Sundaralingam,
S/o.Mr.Masanamuthu.

...Petitioner/Accused

Versus

Ramasamy
S/o.Veerapa Yadav.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 03.11.2016 passed in C.M.P No.3948 of 2016 in S.T.C No.100 of 2016 on the file of the learned Fast Track Magistrate level No.II, Poonamalle, Thiruvallur District.

For Petitioner : Mr.P.Haribabu
For Respondent : Mr.M.A.R.Pragash

O R D E R

This petition has been filed challenging the order passed by the Court below dismissing the application filed by the petitioner under Section 311 of the Code of Criminal Procedure to recall and cross examine the Bank Manager.

2.The Court below has considered the petition filed by the petitioner and has passed a very detailed order on 03.11.2016. The Court below has found that the petitioner has not stated the purpose for recalling the Bank Manager of Tamilnadu Bank Limited and the Bank Manager of Indian Bank, Pattabiram Branch. The Court below also found that the Bank Manager was already examined as D.W.2 and the chief examination itself went on for more than three months. The petitioner is again seeking to examine the very same Bank Manager, who has already examined as D.W.2. Therefore, the Court below found that the relevancy of the said witness, has not been established by the petitioner. The Court below also factually found that the petitioner has already marked Ex.D1 to D3 in this case and the same is sufficient to disclose the cheques issued and also the encashment made during the year 2014.

3.This Court is not able to find any illegality or infirmity in the order passed by the Court below. There are absolutely no grounds to interfere with the order passed by the Court below. The petitioner has already sufficiently cross-examined all the witnesses and has also examined the Bank Manager as D.W.2. No useful purpose will be served by again recalling the Bank Manager.

4.In the facts and circumstances of the case, this Court finds no merits in this Criminal Original Petition and accordingly the same is dismissed. Consequently, the connected Miscellaneous Petition is also closed.

5.The Court below is directed to complete the proceedings in S.T.C No.100 of 2016, within a period of two months from the date of receipt of a copy of this order and to report before this Court after completion of proceedings.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vv2/rm

To

1.The Fast Track Magistrate level No.II,
Poonamalle,
Thiruvallur District.

2.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.M.A.R.Pragesh, Advocate SR No.77306.

CRL.O.P.No.27439 of 2016
and Crl.O.P.No.13978 of 2016

RSI (CO)
SSM(03/12/2018)

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