

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 27.08.2018
CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.20783 of 2018

K.Mani		.. Petitioner
	Vs	
M.Balakrishnan		.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., praying to set aside the order dated 24.04.2018 passed by the Learned FTC-III Metropolitan Magistrate, Saidapet, Chennai-15 in C.M.P.1355/2018 in C.C.No.3568 of 2013.

For Petitioner : Mr.J.Milton Arul Rajendiran

ORDER

The petitioner is facing prosecution in C.C.No.3568 of 2013 under Section 138 of Negotiable Instruments Act and the same is pending before the Fast Track Court No.III, Saidapet. After the culmination of the prosecution evidence, the petitioner was examined under Section 313 Cr.P.C of 13.10.2015. From 2015 to 2018, the case was getting adjourned for defence witness. After the arguments of the complainant was completed, the petitioner filed Crl.M.P.1355 of 2018 to re-open the case and for examination of defence witness, which has been dismissed by the trial Court, by the impugned order dated 24.04.2018. Challenging which, the petitioner is before this Court.

2.Heard Mr.Milton Arul Rajendiran, learned counsel for the petitioner who submitted that the petitioner met with an accident and was hospitalized and therefore, he was not able to prosecute the case diligently.

3.However, on perusal of the hospital records, it is seen that the petitioner had suffered an injury on 20.03.2018. However, the case is pending from 2015. The Petitioner could have easily produced the defence witness within two years from 2015. But, where as, only after the complainant had completed the arguments, the petitioner has filed Crl.M.P.1355 of 2018 on 24.04.2018. Even in the petition filed by the petitioner, he has not given any good reasons for re-opening the case. Under such circumstances, this is not a fit case to interfere with the

order passed by the trial Court warranting interference and this petition is dismissed.

Sd/-
Deputy Registrar

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Sub Assistant Registrar

dua/gya

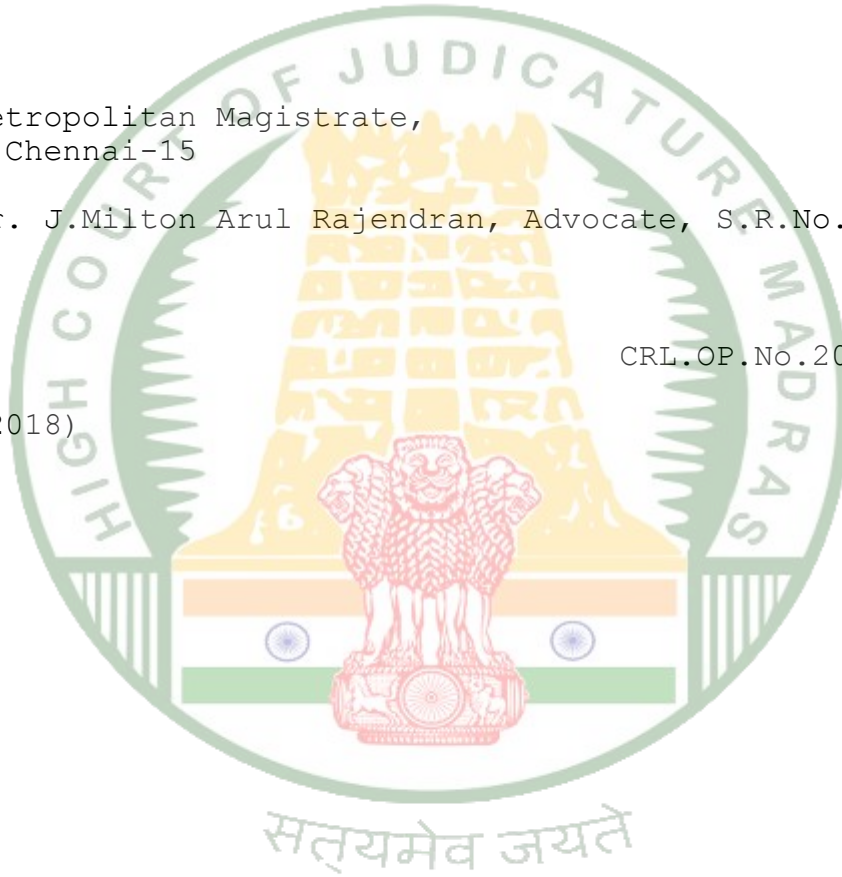
To

FTC-III Metropolitan Magistrate,
Saidapet, Chennai-15

+1cc to Mr. J.Milton Arul Rajendran, Advocate, S.R.No. 58656

CRL.OP.No.20783 of 2018

GN(06/09/2018)



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