

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.21366 of 2018  
and CRL.M.P.No.11638 of 2018

1.Jayanthi  
2.Dr.Babu

... Petitioner/accused  
Vs

Yesudoss

.. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to set aside the order dated 10.07.2018 passed in CMP.No.2281/2018 in C.C.No.231/2011 on the file of Judicial Magistrate, Arakkonam.

For Petitioner : Mr. M.Gajendiran

O R D E R

The petitioners are accused in C.C.No.231 of 2011 for an offence under Section 138 of the Negotiable Instruments Act before the Judicial Magistrate, Arakkonam. The petitioners filed Crl.M.P.No.2281 of 2018 in C.C.No.231 of 2011 to recall PW1 for cross-examination. The said petition has been dismissed by the trial Court, by the impugned order dated 10.07.2018. Challenging which, the petitioner is before this Court.

2.Heard the learned counsel for the petitioner, who submitted that the accused should have been given one opportunity by the trial Court to cross-examine the said witness.

3.However, on a reading of the order passed by the trial Court, it is seen that PW1 was examined in-chief on 20.04.2012, he was not cross-examined by the accused on that day. The accused filed C.M.P No.1731 of 2012 under Section 311 Cr.P.C., which was allowed by the trial Court on 26.06.2012. After several hearings, despite the appearance of PW1, he was not cross-examined from 2012 onwards. Ultimately, PW1 was cross-examined on 28.03.2016. However, the present petition has been filed by the accused by stating that he has not cross-examined PW1 at all, which is not true. Therefore, this Court does not

find any infirmity in the order passed by this trial Court warranting interference and this petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

s/d-  
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

vsn/gya

To

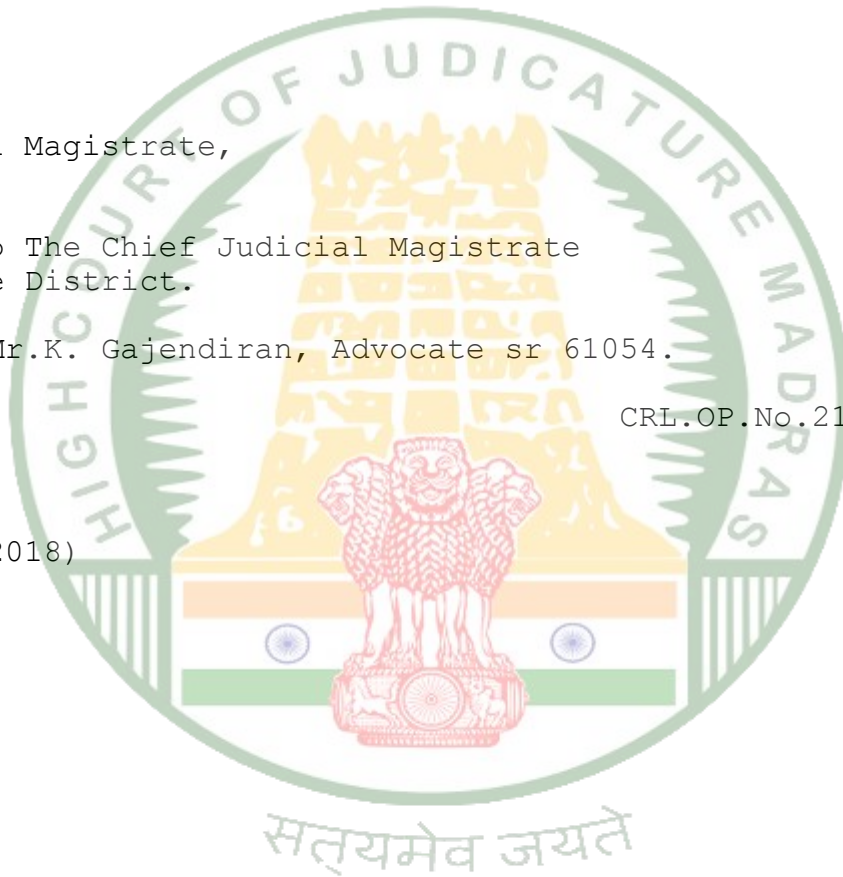
1. Judicial Magistrate,  
Arakkonam.

2. Do Thro The Chief Judicial Magistrate  
Vellore District.

+1 cc to Mr.K. Gajendiran, Advocate sr 61054.

CRL.OP.No.21366 of 2018

KK (CO)  
SP (18/09/2018)



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