

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.12100 of 2018
and
Crl.MP.No.6391 of 2018

E.Raja ... Petitioner

Vs

V.Mahindar ... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, seeking a direction to set aside the order passed in Crl.MP.No.2753 of 2018 in C.C.No.1045 of 2014 dated 04.04.2018 by the Metropolitan Magistrate Fast Track Court No.IV, George Town, Chennai-1 and to examine the accused.

For Petitioner : Mr.V.Murugesan

O R D E R

This Criminal Original Petition has been filed seeking a direction to set aside the order dated 04.04.2018 passed by the Metropolitan Magistrate Fast Track Court No.IV, George Town, Chennai-1 in Crl.MP.No.2753 of 2018 in C.C.No.1045 of 2014 and to examine the accused.

2. For the sake of convenience, the parties will be referred to the complainant and the accused.

3. The complainant has initiated prosecution in C.C.No.1045 of 2014 under Section 138 of the Negotiable Instruments Act, 1881, against the accused, which is pending trial before the Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai.

4. During the course of final arguments, the complainant filed Crl.MP.No.2753 of 2018 under Section 311 Cr.P.C to examine the accused as witness, which has been dismissed by the trial Court by the impugned order dated 04.04.2018, challenging which, the complainant is before this Court.

5. Heard Mr.V.Murugesan, learned counsel for the petitioner / complainant, who submitted that some vital

documents have to be marked through the accused in order to prove the case.

6. In the opinion of this Court, the accused cannot be compelled to give evidence under Section 315 Cr.P.C., and hence, the order passed by the trial Court does not warrant interference. Accordingly, this petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

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To

1. The Metropolitan Magistrate Fast Track Court No.IV,
George Town, Chennai
2. -do- Thro' Chief Metropolitan Magistrate,
Chennai.

Cr1.OP.No.12100 of 2018

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