

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2018

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.15642 of 2018

P.M.Mani

...Petitioner/Complainant

vs.

G.Mathiazhagan

...Respondent/Accused

Criminal Original Petition filed under Section 482, Cr.P.C. to set aside the order passed in Crl.MP.No.1749 of 2018 in S.T.C.No.210 of 2015 dated 11.05.2018 by the learned Fast Track Judge, (Magisterial Level No.II), Poonamallee, Thiruvallur District and consequential to recall PW1 (petitioner/complainant) for marking of further documents in the above case.

For petitioner : Mr.R.Rajesh Vivekananthan

O R D E R

This Criminal Original Petition has been filed under Section 482 of Cr.P.C. to set aside the order dated 11.05.2018 passed by the Fast Track Judge, (Magisterial Level No.II), Poonamallee, Thiruvallur District in Crl.MP.No.1749 of 2018 in S.T.C.No.210 of 2015 and to recall PW1 (petitioner/complainant) for marking of further documents.

2. The complainant has initiated a prosecution in STC.No.210 of 2015 against the accused and the same is pending before the Fast Track Judicial Magistrate, Poonamallee. During trial, the complainant examined himself as PW1. Thereafter, he filed a petition under Section 311 Cr.P.C to once again examine himself for the second time, which was allowed by the trial Court. Again, the complainant filed Crl.M.P.No.1749 of 2018 in S.T.C.No.210 of 2015 under Section 311 Cr.P.C for examining himself for the third time, which has been dismissed by the trial Court on 11.05.2018, aggrieved by which, the complainant is before this Court.

3. The learned counsel for the complainant/petitioner submitted that there are certain important documents which the complainant wants to file in order to show that the accused had

not returned the amount.

4. However, in a petition filed by the complainant in CrI.M.P.No.1749 of 2018 in S.T.C.No.210 of 2015, the complainant has not stated even minimum facts. He has merely stated that some documents have to be marked and therefore, the complainant should be examined in chief once again. In a petition under Section 311 Cr.P.C, the petitioner should give minimum details before the Court to exercise its powers. Re-calling of witnesses cannot be done in a mechanical passion. Hence, this Court does not find any infirmity in the order passed by the trial Court warranting interference.

Accordingly, this petition is dismissed as being devoid of merits.

-s/d-

Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

mk
To

The Fast Track Judge,
(Magisterial Level No.II),
Poonamallee, Thiruvallur District.

Copy to

The Section officer
Criminal Section
High Court, Madras 104.

CrI.O.P. No.15642 of 2018

SSV(CO)
GSP(04/07/2018)

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