

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.16540 of 2018

and

Crl.M.P.No.8518 of 2018

J.Sankaranarayanan ... Petitioner

Vs

A.Ramesh Kumar Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the petition in Crl.M.P.No.2263 of 2018 in S.T.C.No.71 of 2015 dated 29.05.2018 passed by the Learned Judicial Magistrate, Sirkali and to set aside the same.

For Petitioner : Ms. R.Raji for S.Saravanakumar

O R D E R

This Criminal Original Petition has been filed seeking a direction to call for the records pertaining to the petition in Crl.M.P.No.2263 of 2018 in S.T.C.No.71 of 2015 dated 29.05.2018 passed by the Learned Judicial Magistrate, Sirkali.

2. Heard the learned counsel for the petitioner, and perused the materials placed on record.

3. The petitioner is an accused in S.T.C.No.71 of 2015 before the Judicial Magistrate, Sirkali for an offence under Section 138 of the Negotiable Instruments Act, 1881. After the evidence of the complainant was completed, the accused was questioned under Section 313 Cr.P.C. Thereafter, the accused filed a application under Section 315 Cr.P.C for examining himself as a witness. This petition was allowed by the trial Court and the accused got into the witness box and examined himself on two dates, namely, 15.12.2017 and 18.01.2018. Thereafter, he closed his side and the matter was adjourned for arguments. Now, the accused filed a fresh petition in Crl.M.P.No.2263 of 2018 in S.T.C.No.71 of 2015 for once again examining himself as witness, which has been dismissed by the trial Court. Challenging which, the accused is before this

Court.

4. The learned counsel for the petitioner submitted that the accused has got some vital documents like RBI Certificates etc. which the accused wants to mark.

5. This Court gave its anxious consideration to the submissions of the learned counsel for the accused. This is not a case in which the accused was not given liberty to discharge the burden under Section 139 of the Negotiable Instruments Act. The accused was examined under Section 313 Cr.P.C on 24.10.2017. He examined himself as a witness on two dates, namely, 15.12.2017 and 18.01.2018. Thereafter, the case was posted on 03.02.2018, 22.02.2018, 09.03.2018, 16.03.2018, 23.03.2018 and 02.04.2018. While so, without proceeding further with the case, the accused filed the present petition in CMP.No.2263 of 2018 by merely saying that he has some vital evidence in his side and therefore, he should be permitted to further examine himself as witness and that, the case should be reopened. As stated above, for re-opening the case, it is the duty of the party to give valid reasons. The petition filed by the accused is indeed very vague and does not give any valid reason. Under such circumstances, this Court does not find any infirmity in the order passed by the trial Court.

6. Hence, this petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

gmd

To

1.The Judicial Magistrate,
Sirkali.

2.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.16540 of 2018

RSK(CO)
TR(05/07/2018)