

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.18986 of 2018

S.Srinivasan

.. Petitioner

Vs

M/s.Rose Flower Company [Papers] Pvt. Ltd.,
Rep. by its Authorised Signatory/Accountant
M.P.Jambunatham,
Old No.11, New Door No.23,
Anderson Street,
Chennai-1.

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records relating to the case in Crl.M.P.No.1144 of 2018 in C.C.No.2789 of 2016 dated 03.05.2018 on the file of the III Metropolitan Magistrate Court, Chennai and to set aside the same and to permit the petitioner/accused to cross-examine P.W.1-Respondent/Complainant.

For Petitioner : Mr.T.I.Ramanathan

O R D E R

The petitioner is accused in C.C.No.2789 of 2016. The complainant was examined as PW1 on 16.03.2017 and the accused was in abscondance from 30.05.2017 to 11.10.2017. The accused surrendered thereafter and NBW was recalled. The accused did not cross-examine PW1 for quite sometime. Thereafter, PW1 was recalled and he was cross-examined by the accused on two dates, namely, 13.04.2017 and 08.01.2018. Thereafter, the accused has filed once again, a petition under Section 311 Cr.P.C. in Crl.M.P.No.1144 of 2018 to recall PW1 on the ground that some more questions have to be asked. The trial Court has dismissed the said petition by the impugned order dated 03.05.2018. Challenging which, the accused is before this Court.

2.Heard Mr.Ramanathan, learned counsel for the accused who submitted that on account of change of counsel, some questions have to be asked to PW1 and therefore, it is imperative that PW1 should be recalled.

3.This Court gave its anxious consideration to the submissions of Mr.Ramanathan. On perusal of the impugned order, it is seen that PW1 was examined in-chief on 16.03.2017 in the presence of the accused. The accused did not chose to cross-examine PW1. The accused absconded on 30.05.2017 and he surrendered once again only on 11.10.2017. Thereafter, the accused filed a petition under Section 311 Cr.P.C., which was allowed by the trial Court and the accused cross-examined PW1 on two dates, namely, 13.04.2017 and 08.01.2018. Thus, sufficient opportunities have been given to the accused to cross-examine P.W.1. Under such circumstances, this Court does not find any infirmity in the order passed by the trial Court warranting interference and this petition is dismissed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

gya

To

The III Metropolitan Magistrate Court,
Chennai.

+1cc to Mr.T.I.RAMANADHAN, Advocate, S.R.No. 52294

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VBA (CO)
TR(07/08/2018)

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