

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.19854 of 2018
and CRL.M.P.No.10553 of 2018

Dr.Rajinikanth

.. Petitioner

Vs

S.Dandapani

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., praying to set aside the order passed on 12.06.2018 in C.M.P.No.1729 of 2018 in STC.No.456 of 2016 on the learned Judicial Magistrate Court No. I, Thirupattur.

For Petitioner : Mr.P.Muthamizh Selvakumar

O R D E R

The petitioner is accused in STC.No.456 of 2016 under section 138 of Negotiable Instruments Act, which is pending trial on the file of the Judicial Magistrate Court No.I, Thirupattur. After the prosecution evidence was completed and the accused was examined under Section 313 of Cr.P.C, the petitioner/accused filed C.M.P.No.1729 of 2018 in STC.No.456 of 2016 to examine Kandavel, S/o.Namachivayam as defence witness. This petition has been dismissed by the trial Court, by the impugned order dated 12.06.2018, challenging which, the accused is before this Court.

2.Heard the learned counsel appearing for the petitioner/accused and perused the materials placed on record.

3.However, on a reading of the impugned order, it is seen that sufficient opportunities were given to the accused to produce the said Kandavel. In fact, process was issued on 06.10.2017, 24.11.2017, 21.12.2017, 25.01.2018 and 15.02.2018. The process issued on 15.02.2018 reported that there is no such person. Thereafter, the accused absconded and bailable warrant was issued against him and it was later recalled. Even after that, sufficient opportunities were given to the accused to produce his witness and since, he did not produce, the case was

closed on 13.04.2018. Even in the petition filed by the accused in C.M.P.No.1729 of 2018, he has not given any reason as to how, the evidence of the said Kandavel would be relevant for the just decision of the case.

4.In such view of the matter, this Court does not find any infirmity in the order passed by the trial Court warranting interference and this petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar

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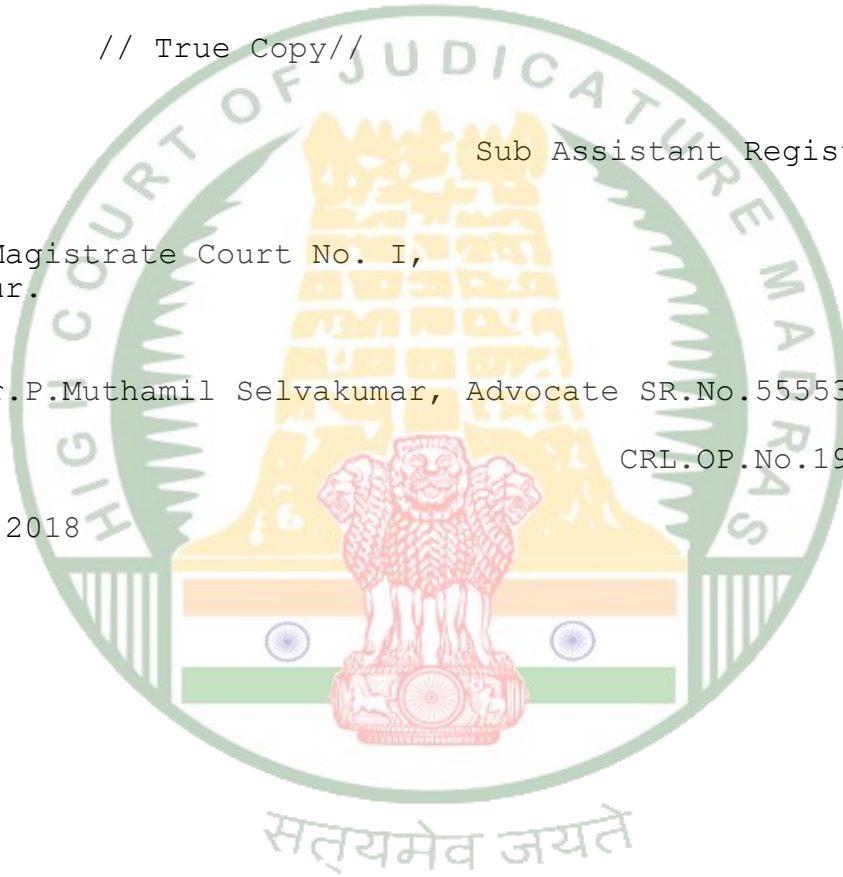
Sub Assistant Registrar

To
Judicial Magistrate Court No. I,
Thirupattur.

+1cc to Mr.P.Muthamil Selvakumar, Advocate SR.No.55553

CRL.OP.No.19854 of 2018

SMI/29.08.2018



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