

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.11.2018

CORAM
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.OP.No.22972 of 2018
and Crl.MP.Nos.12833 & 12834 of 2018

Ashokan

.. Petitioner

Vs.

Manickam

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to set aside the order passed by the learned Judicial Magistrate No:1, Krishnagiri in Crl.M.P.No.3340 of 2017 in S.T.C.No.731 of 2013 dated 12.06.2018.

For Petitioner : Mr.V.Rajamohan

For Respondent : Mr.M.Ravi

ORDER

This Criminal Original Petition has been filed challenging the order of the Court below, allowing the application filed by the respondent under Section 311 of Cr.P.C.

2. The petitioner is the accused facing the Criminal complaint initiated by the respondent under Section 138 of the Negotiable Instruments Act. During the pendency of the complaint, the respondent filed an application under Section 311 of Cr.P.C seeking permission to further examine P.W.1. This Petition was allowed by the Court below by an order dated 12.06.2018. This order has been challenging before this Court.

3. The learned counsel for the petitioner would submit that the petitioner had also filed an application to recall and the same was dismissed by the Court below. Therefore, the petitioner must be permitted to cross examine the complainant, in order to establish his defence.

4. This Court does not any ground to interfere with the order passed by the Court below. Even on the further examination of the complainant, the petitioner will always have the opportunity to cross examine the complainant and also question him on the documents that are sought to be marked by the complainant. The Court below has in fact allowed the

petition on the ground that the petitioner will have an opportunity to cross examine the complainant.

5. In view of the above, this Criminal Original Petition is disposed of, by giving liberty to the petitioner to cross examine the respondent, pursuant to the order passed by the Court below, permitting the respondent for further cross examination as P.W.1. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

msrm/raja

To

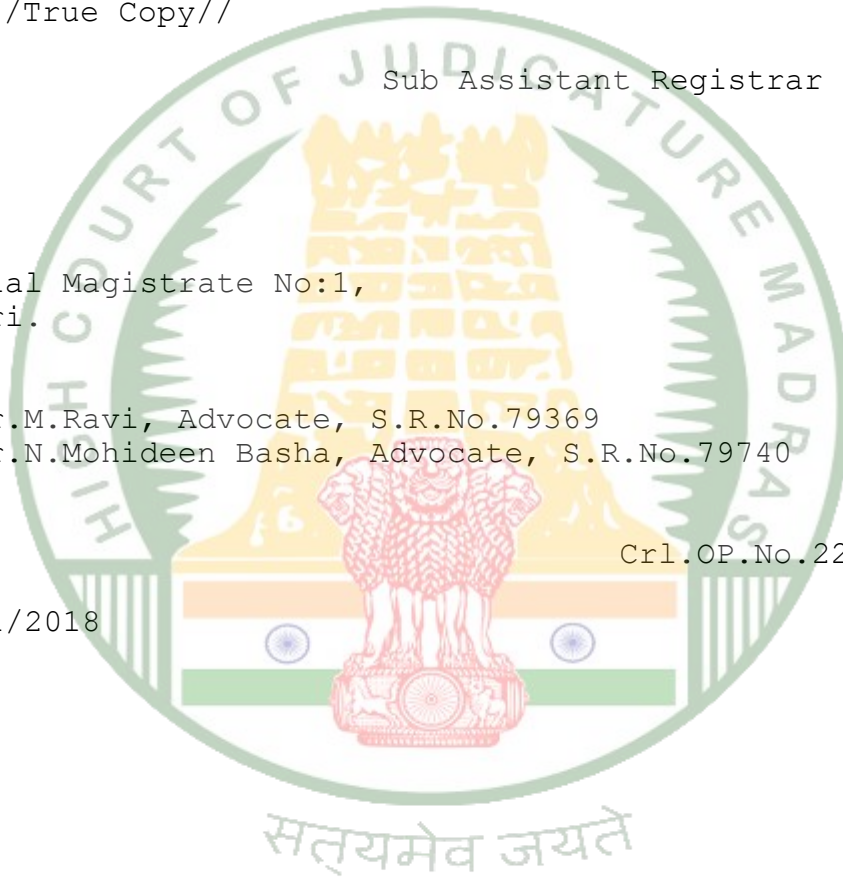
The Judicial Magistrate No:1,
Krishnagiri.

+1cc to Mr.M.Ravi, Advocate, S.R.No.79369

+1cc to Mr.N.Mohideen Basha, Advocate, S.R.No.79740

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rrs 26/11/2018



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