

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.27693 of 2018

and

CRL.M.P. NO.16005 of 2018

M.S.Rajapandian,
S/o.Somasundaram

... Petitioner

Vs.

G.Palani,
S/o.Late Ganesa Naicker

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to set aside the order passed by the learned Judicial Magistrate No.II, Walajapet, Vellore District in C.M.P. No.1774/2018 in STC.No.55/2016 dated 05.10.2018 and consequently allow this petition.

For Petitioner : Mr.M.Rajendiran

O R D E R

This Criminal Original petition has been filed challenging the order passed by the Court below dismissing the application filed by the petitioner under Section 91 of Cr.P.C. The petitioner is an accused, who is facing trial before the Court below for an offence under Section 138 of Negotiable Instruments Act.

2. The order of the Court below clearly demonstrates the fact that this complaint was filed in the year 2016 and P.W.1 was also examined. Thereafter, the petitioner filed an application under Section 311 of Cr.P.C and the same was allowed and thereafter, P.W.1 was cross examined on 29.05.2017. The cross examination itself took five months and it got over only on 29.09.2017. Thereafter, the petitioner was questioned under Section 313 of Cr.P.C. on 29.09.2017. The defence witness was examined on 18.01.2018 and thereafter the petitioner did not appear before the Court. Therefore, Non-bailable warrant has issued against the petitioner and the same was recalled by an order dated 08.05.2018. Thereafter, this petitioner was cross examined by the counsel appearing for the respondent.

3. The petitioner thereafter filed C.M.P.No.1773 of 2018 before the Court below, to summon the District Registrar, Arakonam and this petition was dismissed. Thereafter, the present petition was filed in C.M.P.No.1774 of 2018 with a prayer for directing the District Registrar, Arakonam, to produce the register submitted to him by the stamp vendor.

4. The learned counsel for the petitioner would submit that the stamp paper that has been produced in the Court by the respondent is of the year 2015 and according to the petitioner, he had signed some blank papers in the year 2013. Therefore, the petitioner wants to establish that the stamp paper was not actually purchased in the year 2015 and the same will be cleared if the District Registrar is asked to summon the ledger.

5. This Court is not in a position to accept the submission made by the learned counsel for the petitioner. The conduct of the petitioner throughout the proceedings shows that at every stage, the petitioner has protracted the proceedings. In fact, a very similar petition was filed in C.M.P.No.1773 of 2018 by the petitioner for summoning the District Registrar of Arakonam and the same was dismissed by the Court below. Now the present petition is filed for the very same relief in a different form. This clearly reflects the mind of the petitioner.

6. This Court is not able to find any illegality or infirmity by the order passed by the Court below. Therefore, there is absolutely no ground to interfere with the order passed by the Court below.

7. In the result, this Criminal Original Petition shall stand dismissed with a direction to the Judicial Magistrate No.II, Walajah, Vellore District, to complete the proceedings in STC No.55 of 2016, within a period of two months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is also closed.

rri/lpp

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

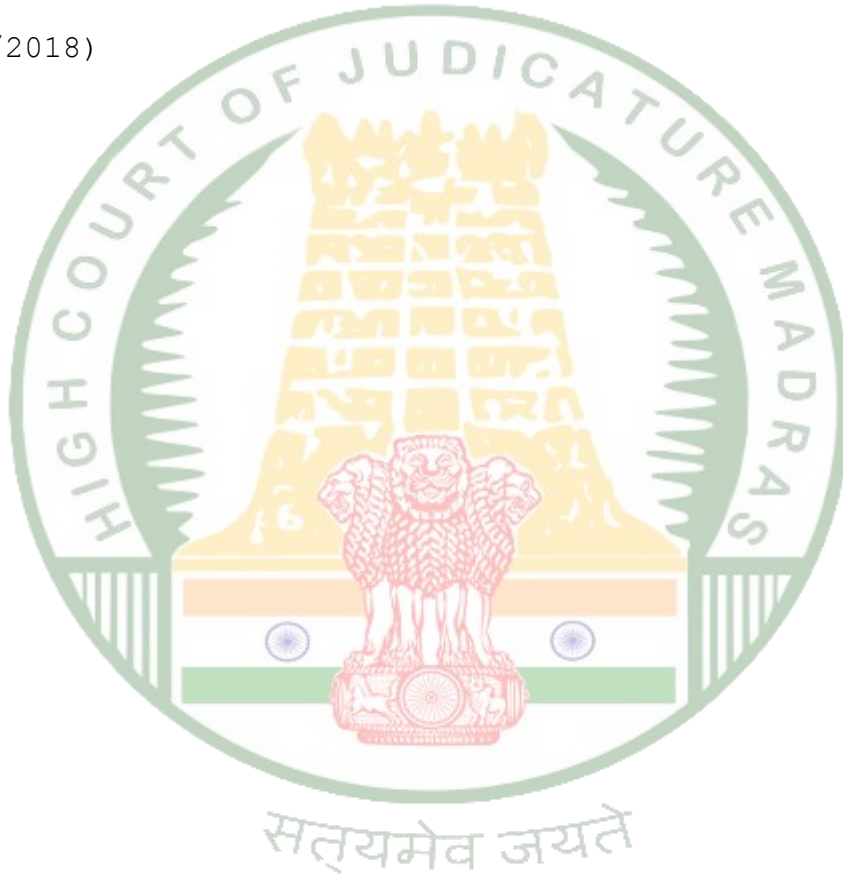
1. The Judicial Magistrate No.II,
Walajapet,

+lcc to Mr.M.Rajendiran, Advocate, S.R.No.81274

CRL.O.P.No.27693 of 2018
and

CRL.M.P. NO.16005 of 2018

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