



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.7135 of 2015

and

M.P. (MD) No.1 of 2015

K.R.Meiyappan @ Narayanan ... Petitioner/Petitioner/Accused

Vs.

V.Arunachalam ... Respondent/Respondent/Complainant

PRAYER: The Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to call for the records in Crl.M.P.No.663 of 2013 in C.C.No.18 of 2015 dated 10.09.2013 pending on the file of the Fast Track Court (Judicial Magistrate), Karaikudi, and set aside the same and consequently direct the learned Fast Track Court (Judicial Magistrate), Karaikudi, Sivagangai District to issue summon to the witness herein for examine.

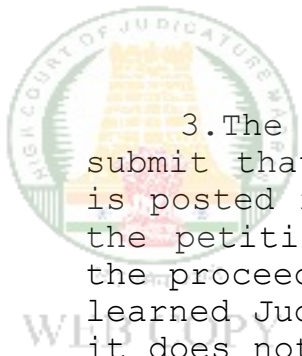
For Petitioner : Mr.T.Chandrasekaran

For Respondent : Mr.RM.Arun Swaminathan

ORDER

The Criminal Original Petition has been filed challenging the order passed in Crl.M.P.No.663 of 2013 in C.C.No.18 of 2015 dated 19.03.2015 on the file of the Fast Track Court (Judicial Magistrate), Karaikudi, dismissing the petition filed by the petitioner under Section 311 Cr.P.C., for the purpose of examining the Bank Manager, ICICI Bank, Karaikudi and the Superintendent of Police, Sivagangai District.

2.The learned counsel for the petitioner would submit that the respondent has lodged a complaint before the Fast Track Court, Karaikudi, Sivagangai District, in C.C.No.18 of 2013 for the offence punishable under Section 138 of Negotiable Instruments Act as against the petitioner. After examining P.W.1 and closing the evidence of the complainant, it is posted for 313 (1) Cr.P.C., questioning. At this stage, the petitioner / accused has filed a petition under Section 311 Cr.P.C., seeking to examine the Bank Manager and the Superintendent of Police, Sivagangai District, before the Fast Track Court (Judicial Magistrate), Karaikudi. He further stated that the petitioner / accused had already filed a complaint before the Superintendent of Police, Sivagangai District on 06.08.2011 against the respondent and others. Therefore, he should necessarily examine the Superintendent of Police, Sivagangai District as well as the Bank Manager, ICICI Bank / complainant. Therefore, he prays for allowing this petition and to set aside the order dated 19.03.2015 passed by the learned Judicial Magistrate, Karaikudi.



3.The learned counsel for the respondent / complainant would submit that the complainant himself examined as P.W.1 and the case is posted for questioning under Section 313 Cr.P.C.. At this stage the petitioner herein is filing a petition after petition to drag the proceedings and escape from the clutches of law. Therefore, the learned Judicial Magistrate has rightly dismissed the petitioner and it does not warrant any interference from this Court. Therefore, he prayed for dismissal of the present petition.

4.Heard the learned counsel on either side.

5.It is seen from the order passed by the learned Judicial Magistrate, Karaikudi that the present petition has been filed only to drag the proceedings and also the petitioner herein used to file a petition one after another. Therefore, the learned Judicial Magistrate rightly dismissed the petition under Section 311 Cr.P.C. filed by the petitioner herein. There is absolutely no illegality or irregularity in the order passed by the learned Judicial Magistrate and it does not warrant any interference of this Court. However, the petitioner / accused is at liberty to examine the witnesses on his side by way of summoning and filing appropriate petition.

6.With such liberty to approach the learned Magistrate for the purpose of summoning the persons to examine as defence side witnesses, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Fast Track Court (Judicial Magistrate),
Karaikudi.

2.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1CC to Mr.RM.Arun Swaminathan, Advocate, SR.No.90656

+1CC to Mr.T.Chandrasekaran, Advocate, SR.No.19754

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