



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.08.2018

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

CRL.O.P. (MD) No. 2106 of 2016
and
CRL.M.P. (MD) No. 1075 of 2016

Anna Lisy @ Lisy Vijay ... Petitioner/Petitioner/Complainant

-Vs-

Inego Lancy ... Respondent/Respondent/Accused

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to set aside the order passed by the Fast Track Court (Magisterial Level) No. I, Nagercoil, in Crl.M.P.No.12091 of 2015 in C.C.No.1428 of 2012, dated 11.01.2016.

For Petitioner : Mr. N. Mohan
For Respondent : M/s. G. Aravinthan

ORDER

This Criminal Original Petition has been filed against the rejection of the application filed under Section 311 of Cr.P.C to recall and reopening the evidence of PW1 for marking certain documents.

2. It is seen from the records that the C.C.No.1428 of 2012 has been filed in the year 2012 and the case pertains to the dishonour of cheque under Section 138 of Negotiable Instruments Act. The present petition was filed to reopen the evidence of PW1 and file 5 documents through him. The complainant/PW1 had filed proof affidavit on 10.04.2014 and in view of the admission made during the course of cross examination, there was no necessity to prove the documents 1 and 2 which are sought to be marked by reopening the evidence.

3. That apart, document No.3 which was sought to be marked, it is a partnership document, dated 25.05.2018 and it has been registered in the name of the accused person and absolutely there is no reason as to why it is being sought to be marked without any relevance to this case. The document No.4 that was sought to be marked is the Bank Pass Book which reveals the bank entries made prior to the filing of the complaint. Therefore, this document was very much available with the petitioner even at the time of filing of the complaint. However, this was not marked at the initial stage and the relevancy of the document has also not been



explained by the petitioner. Document No.5 is an information that was sent by the Crime Branch Police, Nagercoil regarding a criminal case between the petitioner and the respondent. This document also does not have any relevance to the case on hand.

4.The Court below had properly appreciated the materials on record and had found that there is no ground to allow the petition under Section 311 of Cr.P.C. This Court does not find any illegality or infirmity in the order passed by the Court below. Therefore, there is no ground to interfere with the order of the Court below.

5.Accordingly, this Criminal Original Petition is dismissed. C.C.No.1428 of 2012 is of the year 2012. Therefore, there will be a direction to the F.T.C (Magisterial Level) No.I, Nagercoil, to dispose of the complaint in C.C.No.1428 of 2012, within a period of one month from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Fast Track Court (Magisterial Level) No.I,
Nagercoil.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.G.Aravinthan, Advocate Sr.No.81365

TM

VB/SKN/SAR3/24.09.2018/2P/4C

CRL.O.P. (MD) No.2106 of 2016
30.08.2018