



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Cr1. R.C.(MD)No.944 of 2017

Harish

... Petitioner / Accused

-Vs.-

Rajasekhar

... Respondent / complainant

Prayer: Criminal Revision Case - filed under Section 397 r/w 401 Cr.P.C., to pass an order revising the order of the learned Judicial Magistrate, FTC Court, Karaikudi Sivagangai District dated 21.11.2017 made in Cr.M.P.No.3122 of 2017 in S.T.C.No.85 of 2013.

For Petitioner	: Mr.R.Diwakaran
For Respondent	: No appearance

O R D E R

For the sake of convenience, the parties will be referred to as the complainant and the accused.

2. The complainant has initiated a prosecution in STC No.85 of 2013 under Section 138 of the Negotiable Instruments Act against the accused, which is now pending on the file of the learned Judicial Magistrate, Fast Track Court, Karaikudi. The complainant examined himself as P.W.1 and he was subjected to cross-examine by the accused. Thereafter, the complainant has filed an application for adducing additional evidence in this case and the said petition was numbered as Cr.M.P.No.3122 of 2017 in STC.No.85 of 2013. The trial Court, by the impugned order dated 21.11.2017 has allowed the petition, aggrieved by which, the accused is before this Court.

3. Heard learned counsel for the accused.

4. The learned counsel for the accused submitted that the trial Court should not have allowed the application, because, earlier also, the trial Court has shown indulgence to the complainant to examine a witness.

5. This Court gave its anxious consideration to the submission of the learned counsel for the petitioner / accused.



6. Under Section 311 Cr.P.C., the trial Court has power to examine any witness at any stage of proceedings, before the Judgment is delivered. The complainant in this petition has stated that three important documents namely, a receipt, an agreement in Malayalam and, the translated version of agreement need to be filed. The accused cannot have any serious objection, because, he can cross-examine the witnesses through whom, the documents are sought to be marked. He can also raise objections about the relevancy and admissibility of documents before the Court at the time of marking and the trial Court can mark the documents subject to the objection as held by the Supreme Court in Bipin Shantilal Panchal vs. State of Gujarat (AIR 2001 SC 1158)

7. In such view of the matter, this Court finds no infirmity in the order passed by the trial Court warranting interference. Hence, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

The Judicial Magistrate, Fast Track Court,
Karaikudi,
Sivagangai District.

+One cc to Mr.B.Jeyakumar, Advocate, SR.No.41373

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RL/3C/2P/SKN/RSK/SAR1/1/2/2018

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