



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD) .No.3610 of 2016

and

Cr1.M.P. (MD) No.1822 of 2016

S.Sarasu

..Petitioner/Accused

Vs.

T.Jeyaprakash

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to set aside the order dated 18.11.2015 passed by the Judicial Magistrate No.II, (Fast Track Court) Madurai in Cr1.M.P.No.1816 of 2014 in S.T.C.No.238 of 2012.

For Petitioner :Mr.P.Sesubalan Raja

For Respondent :Mr.S.Karunakar

O R D E R

This petition has been filed to set aside the order of the Court below, wherein the petition filed by the petitioner under Section 311 of Cr.P.C. was dismissed.

2.Heard learned counsel for the petitioner and learned counsel for the respondent.

3.The petitioner is facing the case under Section 138 of the Negotiable Instruments Act, filed by the respondent. The complaint was filed in the year 2012. Subsequently, the respondent was cross-examined as P.W.-1 and the petitioner has also cross-examined the respondent on 27.08.2012. The case reached the stage of 313 questioning and the petitioner had also given a detailed reply for the question put to him under Section 313 of Cr.P.C.. Thereafter, in the year 2014, the present petition was filed by the petitioner to recall P.W.1 and to further examine.



4.The Court below has dismissed the petition on the ground that the petitioner had already cross-examined P.W.-1 and after a period of two years the present petition was filed and the same is filed only to protract the petition. The Court below further found that the reasons given by the petitioner to recall P.W-1 is not satisfactory.

5.This Court does not find any illegality and infirmity in the order passed by the Court below. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in S.T.C.No.238 of 2012 within a period of two months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar(CS-IV)

To

1.The Judicial Magistrate No.II,
(Fast Track Court),
Madurai.

+1 CC To MR.P.SESUBALAN RAJA, Advocate SR. NO. 82874

**Crl.O.P. (MD) .No.3610 of 2016
05.09.2018**

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TR/RP/SAR-IV(03.10.2018)2P 3C