



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.9947 of 2016

J.Immanuvel : Petitioner/Petitioner/Accused

Vs.

J.Jameen Salamon : Respondent/Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to set aside the order of the learned Judicial Magistrate, Sathankulam made in Cr.M.P.No.1849 of 2016 dated 08.03.2016 in S.T.C.No.172 of 2014 and direct to recall P.W1 for further cross examination.

For Petitioner : Mr.S.R.Anbarasu

O R D E R

This petition has been filed challenging the order of the learned Judicial Magistrate, Sathankulam, made in Crl.M.P.No.1849 of 2016 dated 08.03.2016 dismissing the application filed under Section 311 of Cr.P.C. to recall P.W-1.

2.Heard learned counsel for the petitioner.

3.It is seen from the record that the case has been filed under Section 138 of Negotiable Instruments Act by the respondent. P.W-1 was examined on 28.01.2015 and the petitioner did not examine. Subsequently, the petitioner filed a petition under Section 311 of Cr.P.C. to recall P.W.1 and the same was allowed on 04.06.2015 in Crl.M.P.No.5104 of 2015. The petitioner thereafter, cross-examined P.W-1 elaborately.

4.After a period of eight months, the petitioner again filed a petition to recall P.W-1 to cross-examine.

5.The Court below found that the petitioner had sufficient time to cross-examine the P.W-1 and when the case was at the stage of defence evidence, one more petition is filed by the petitioner,



to again cross-examine P.W-1. The Court below found the petition to be vexatious and the one filed to protract the proceedings.

6. In view of the above, this Court does not find any illegality or infirmity in the order passed by the Court below. Accordingly, this Criminal Original Petition is dismissed. There shall be a direction to the Judicial Magistrate, Sathankulam to dispose of S.T.C.No.172 of 2014 within a period of two months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-III)

To

The Judicial Magistrate,
Sathankulam.

LS
TE/PM/SAR-3 : 05/10/2018 : 2P/2C

Cr1.O.P. (MD) .No.9947 of 2016
05.09.2018