



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.17276 of 2013

and

MP(MD)No.1 of 2013

R.Govindaraju

... Petitioner

Vs.

E.Bharathi

... Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to the order dated 02.08.2013 passed by the Judicial Magistrate VI, Tiruchirappalli in Cr1.MP.No.3083 of 2012 in C.C.No.133 of 2007 and set aside the same.

For Petitioner : Mr.D.Senthil

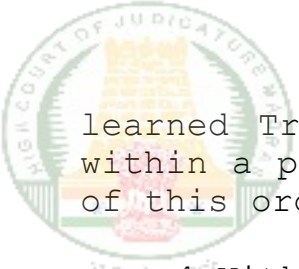
For Respondent : Mr.V.R.Shanmuganathan

ORDER

The petitioner is an accused in a private complaint filed by the respondent under Section 138 of Negotiable Instruments Act. The petitioner herein filed Cr1 MP.No.3083 of 2012 for examining the husband of the complainant/respondent and two other witnesses.

2.This Court fails to understand the logic behind such an exercise. If the husband of the complainant is examined on the side of the accused, certainly he would depose against the accused and that would be a clear suicidal to his evidence. The learned counsel for the petitioner would submit that he would then have him declared as hostile and proceed to cross examine him. This Court is not impressed with the said submission. The Trial Court has specifically noted that in the petition filed by him, the accused has not assigned any reason for having them summoned and examined.

3.Therefore, this Court is of the view that the Trial Court was right in dismissing the petitioner's petition. Finding no reason to interfere, this Court is inclined to dismiss this petition. It is seen that the case is of the year 2007. The



learned Trial Magistrate is directed to conclude the proceedings within a period of four months from the date of receipt of a copy of this order.

4. With this direction, this petition is dismissed. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate VI,
Tiruchirappalli.

+ 1 cc TO Mr.D.Senthil , Advocate in SR No. 67006
+ 1 cc TO Mr.V.R.Shanmuganathan , Advocate in SR No. 67057

skm
AE/SV MMS/SAR1/27.06.2018/2P/4C

**Cr1 OP(MD) No.17276 of 2013
and
MP (MD) No.1 of 2013
05.06.2018**