

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 18.01.2019  
CORAM:  
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH  
Crl.O.P.No.1184 of 2019  
and  
Crl.M.P.No.773 of 2019

Venkatesan

...Petitioner

Vs.

R. Ramani

...Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Cr.P.C., to set aside the order passed by the learned Metropolitan Magistrate, Fast Track Court-IV, Chennai in Crl.M.P.No.8724 of 2018 in C.C.No.1342 of 2016 and consequently, permit the petitioner to carry out cross examination of PW1.

For Petitioner : Mr.M.Murali

O R D E R

This petition has been filed challenging the order passed by the Court below dismissing the petition filed by the petitioner under Section 311 of Cr.P.C.

2. The petitioner is facing trial before the Court below for an offence under Section 138 of Negotiable Instruments Act. The respondent/complainant examined himself as PW1. However, he was not cross examined by the petitioner. Earlier, the petitioner filed a petition for recalling PW1 for the purpose of cross-examination. This petition was allowed. However, the petitioner did not cross-examine PW1. Subsequently, another petition was filed in Crl.M.P.No.4327 of 2018 seeking the very same relief. However, that petition was dismissed as withdrawn on 14.06.2018. Thereafter, the petitioner had also examined the defence witnesses. When the case was at the stage of arguments, the present petition has been filed seeking for the very same relief, viz., recalling PW1 for cross-examination.

3. The Court below has recorded sufficient reasons for dismissing the petition filed by the petitioner and this Court does not find any illegality or infirmity in the order passed. The petitioner cannot be permitted to file one petition after another, for the very same relief.

4. In the result, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is also closed.

5. It is made clear that the petitioner is entitled to raise all the issues before the Court below and the Court below shall consider the same on its own merits and in accordance with law. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

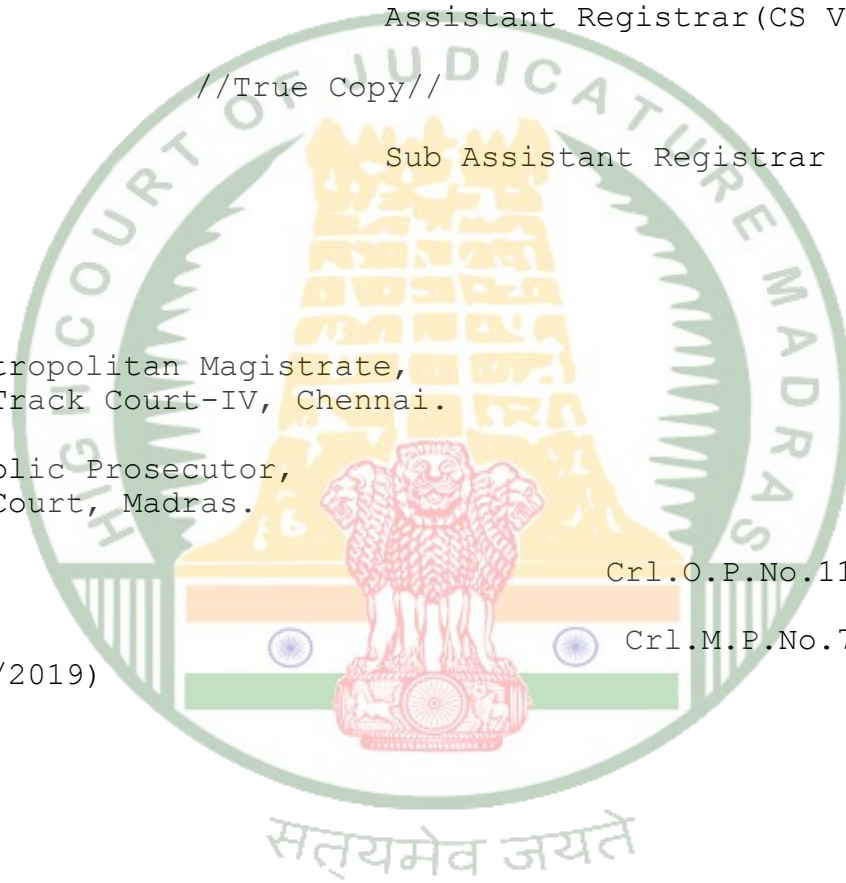
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To

1. The Metropolitan Magistrate,  
Fast Track Court-IV, Chennai.
2. The Public Prosecutor,  
High Court, Madras.

Crl.O.P.No.1184 of 2019  
and  
Crl.M.P.No.773 of 2019

GSP(08/02/2019)



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