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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.28754 of 2015

Senthilkumar

...Petitioner

-Vs-

R.Eashwaramurthy

...Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the Judicial Magistrate Court Kangeyam to proceed as per the order dated 13.07.2015 in C.M.P.No.729 of 2015 and to allow the petitioner to produce his side witness in accordance with the law.

For Petitioner : Mr.N.Stalin
For Respondent : Mr.C.Prakasam

ORDER

This petition has been filed seeking for a direction to the learned Judicial Magistrate Kangeyam, to proceed further as per the order passed in C.M.P.No.729 of 2015 dated 13.07.2015.

2.The petitioner is facing trial for the offence under Section 138 of Negotiable Instrument Act. The witnesses on the side of the complainant were examined and the petitioner was also questioned under Section 313 of Cr.P.C. Thereafter, since the petitioner was not able to produce any defense witnesses, the evidence on the side of the defense was closed and at the stage of final arguments, the petitioner has filed a petition for reopening in C.M.P.No. 729 of 2015. This petition was allowed with a condition that the petitioner should pay a cost of Rs.900/- to the respondent. The petitioner failed to comply with a condition and for that reason, the petition was dismissed. This has now been put to challenge before this Court.

3.This Court does not find any ground to interfere with the order passed by the Court below and accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.413 of 2013, within a period of



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three months from the date of receipt of copy of this order, if it has not already been disposed of.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

tta
To

The Judicial Magistrate Court,
Kangayam

+lcc to Mr.C.Prakasam , Advocate SR.No. 62918
Crl.O.P.No.28754 of 2015
A.SK(29/08/2019)