

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7142 of 2018

&

Crl.M.P.No.3692 of 2018

L.Madeswaran, Proprietor
L.Text.,

... Petitioner

.Vs.

Raajhammal, Proprietrix,
Raja Tex,
Rep. by her Power Agent
C.A.Yuvaraj

... Respondent

Prayer : Criminal Original petition filed under Section 482 of Code of Criminal Procedure against the order dated 12.02.2018 made in C.M.P.No.716 of 2018 in S.T.C.No.382 of 2017 on the file of the learned Judicial Magistrate/Fast Track Court No.I, Erode.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.A.Sundaravadhanam

O R D E R

This petition has been filed to challenge the order dated 12.02.2018 passed in C.M.P.No. 716 of 2018 in S.T.C.No.382 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court No.-I, Erode, thereby allowing the petition filed by the respondent/complainant under Section 311 of Cr.P.C. to recall P.W.1 for the purpose of further examination.

2. It is seen that the respondent lodged complaint as against the petitioner in S.T.C.No.382 of 2017 for the offences punishable under Section 138 of Negotiable Instruments Act. When the case was posted for defence witnesses, the respondent/complainant filed a petition in C.M.P.No 716 of 2018 to recall P.W.1 for further examination. The trial Court by an

order dated 12.02.2018 allowed the said petition as against which the petitioner/accused filed this present petition.

3. It is also seen that since there is no interim order passed by this Court, the trial Court is proceeded with trial and matter has been posted for arguments today. During the trial, the petitioner also examined his witnesses as defence witnesses. But he did not cross examine P.W.1 on his further examination. Considering the above facts and circumstances, the petitioner is permitted to cross examine P.W.1 on his further examination alone in the next hearing date. The trial Court is directed to permit the petitioner to cross examine P.W.1, in respect of further examination, within a period of one week from today and dispose of the case within a period of two weeks thereafter. If the petitioner fails to cross examine on the date fixed by the trial Court, the trial Court is directed to proceed with the trial in accordance with law.

4. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate Court,
Fast Track Court No-I, Erode
2. -Do- Thro' The Chief Judicial Magistrate,
Erode.

+1cc to Mr.M.Guruprasad, Advocate, SR.No.33539

Cr1.O.P.No.7142 of 2018

Kak(05/04/2019)