

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.07.2019

CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.8487 of 2016
and
M.P.No.4418 of 2016

Sree Gokulam Chit & Finance Company
Private Limited, rep. by its Manager,
Tiruvallur - 602 001.

... Petitioner

Vs.

J.Bharathi

... Respondent

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 11.03.2016 made in C.M.P.No.310 of 2016 in C.C.No.6 of 2013 on the file of the Fast Track Court, Magistrate Level, Thiruvallur.

For Petitioner : Mr.C.Prabakaran

ORDER

This petition has been filed against the order passed by the Court below dismissing the application filed under Section 311 of Cr.P.C. to recall P.W.4 for further examination.

2. The petitioner is the complainant who has instituted the complaint under Section 138 and 142 of the Negotiable Instruments Act against the respondent. The petitioner had examined 4 witnesses P.W.1 to P.W.4 and all of them were cross examined. Evidence was closed, 313 question was completed and the case was at the stage of final arguments. At this stage, the petitioner filed the application under Section 311 of Cr.P.C. to recall P.W.4 for further examination.

3. The Court below dismissed the petition on the ground that P.W.4 was already cross examined, and there is no reason as to why the petitioner waited and filed a petition to recall P.W.4 till the case was posted for final arguments.

4. This Court does not find any infirmity or illegality in the order passed by the Court below and there are no grounds to interfere with the same.

5. In the result, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.6 of 2013 within a period of three months

from the date of receipt of a copy of this order, if it has already not been disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

raja

To

1. The Judicial Magistrate,
Fast Track Court,
Thiruvallur.
- 2.-do- Thro' Chief Judicial Magistrate,
Thiruvallur Dist.

CRL.O.P.No.8487 of 2016
and
M.P.No.4418 of 2016

KS (CO)

RRS (01/08/2019)



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