

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.5872, 5874, 5879 and 5882 of 2019
and 3272, 3273, 3278 and 3282 of 2019

S.Senthil Nathan

...Petitioner
(in all four petitions)

-Vs-

Bright Advertising,
Proprietor Mr.Azeez Khan,
Represented by its
Powers Agent Mr.Jamal Khan.

... Respondent
(in all four petitions)

Prayer in 5872/2019: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the impugned order in Crl.M.P.No.5532 of 2018, dated 13.12.2018, in C.C.No.551 of 2016 on the file of the FTC-IV Metropolitan Magistrate Court, George Town, Chennai.

Prayer in 5874/2019: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the impugned order in Crl.M.P.No.3700 of 2018, dated 13.12.2018, in C.C.No.552 of 2016 on the file of the FTC-IV Metropolitan Magistrate Court, George Town, Chennai.

Prayer in 5879/2019: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the impugned order in Crl.M.P.No.5533 of 2018, dated 13.12.2018, in C.C.No.552 of 2016 on the file of the FTC-IV Metropolitan Magistrate Court, George Town, Chennai.

Prayer in 5882/2019: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the impugned order in Crl.M.P.No.3675 of 2018, dated 13.12.2018, in C.C.No.551 of 2016 on the file of the FTC-IV Metropolitan Magistrate Court, George Town, Chennai.

For Petitioner : Mr.S.Sivashankar
No Appearance

COMMON ORDER

These Criminal Original Petitions have been filed to set aside the order passed by the learned FTC-IV Metropolitan

Magistrate Court, George Town, Chennai, in CrI.M.P.Nos.5532 and 3675 of 2018 in C.C.No.551 of 2016 and CrI.M.P.Nos.5533 and 3700 of 2018 in C.C.No.552 of 2016, dated 13.12.2018, thereby dismissed the petitions filed by the petitioner under Section 311 of Cr.P.C. to recall P.W.1 for the purpose of cross examination.

2. The respondent/complainant had filed a complaint under section 138 of the Negotiable Instruments Act, against the petitioner pending before the Metropolitan Magistrate Court (Fast Track Court-IV), George Town, Chennai.

3. The learned Additional Public Prosecutor would submit that all the witnesses have been examined and the case is posted for arguments. Hence, he prayed for dismissal of these petitions.

4. No representation for the petitioner and also the matter was directed to list under the caption "for dismissal" on 06.03.2019. Notice served on the respondent through Court as well as privately, but none appeared on behalf of the respondent.

5. It is seen that the petitioner is an accused and sought for permission to cross examine the principal of the PW1. It is also seen from the records that the principal of the PW1 and was not cross examined in full before the Trial Court. Therefore, the Trial Court is straight away dismissed the petitions filed by the petitioner under Section 311 of CrPC. Now, the case is posted for arguments. Hence, the petitioner has to be necessarily cross examined by the petitioner.

6. Considering the facts and circumstances of the case, there is no infirmity or irregularity in the order passed by the learned FTC-IV Metropolitan Magistrate, George Town, Chennai, in CrI.M.P.Nos.5532 and 3675 of 2018 in C.C.No.551 of 2016 and CrI.M.P.Nos.5533 and 3700 of 2018 in C.C.No.552 of 2016, dated 13.12.2018. Hence, this Court finds no merits in all these petitions.

7. Accordingly, the Criminal Original Petitions are dismissed. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Co)

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Sub Assistant Registrar

msm

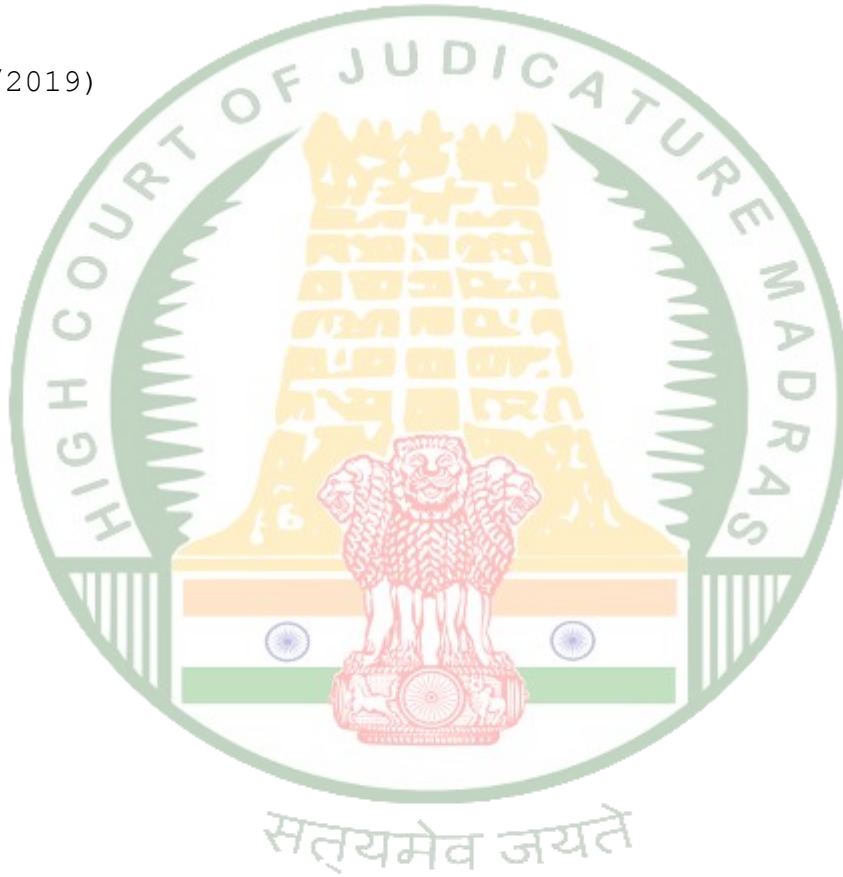
To

1. The FTC-IV Metropolitan Magistrate Court, George Town,
Chennai.

2.The Public Prosecutor, High Court, Madras.

Cr1.O.P.Nos.5872, 5874, 5879 and 5882 of 2019
and 3272, 3273, 3278 and 3282 of 2019

GP (CO)
TSG (28/05/2019)



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