

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.5912, 5915, 5917 and 5918 of 2019 and
Crl.M.P.Nos. 3319, 3324, 3325 and 3327 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 5912/2019: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the impugned order in Crl.M.P.No.5535 of 2018, dated 13.12.2018, in C.C.No.2687 of 2016 on the file of the FTC-IV Metropolitan Magistrate Court, George Town, Chennai.

Prayer in 5915/2019: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the impugned order in Crl.M.P.No.3704 of 2018, dated 13.12.2018, in C.C.No.2686 of 2016 on the file of the FTC-IV Metropolitan Magistrate Court, George Town, Chennai.

Prayer in 5917/2019: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the impugned order in Crl.M.P.No.3676 of 2018, dated 13.12.2018, in C.C.No.2687 of 2016 on the file of the FTC-IV Metropolitan Magistrate Court, George Town, Chennai.

Prayer in 5918/2019: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the impugned order in Crl.M.P.No.5534 of 2018, dated 13.12.2018, in C.C.No.2686 of 2016 on the file of the FTC-IV Metropolitan Magistrate Court, George Town, Chennai.

For Petitioner : 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.5534 and 3704 of 2018 in C.C.Nos.2686 and 2686 of 2016 and CrI.M.P.Nos.5535 and 3676 of 2018 in C.C.Nos.2687 and 2687 of 2016, dated 13.12.2018, thereby dismissed all the four 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 was 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

Crl.M.P.Nos.5534 and 3704 of 2018 in C.C.Nos.2686 and 2686 of 2016 and Crl.M.P.Nos.5535 and 3676 of 2018 in C.C.Nos.2687 and 2687 of 2016, dated 13.12.2018. Hence, this Court finds no merits in all these petitions. Accordingly, the Criminal Original Petitions are dismissed. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1. The FTC-IV Metropolitan Magistrate Court,
George Town, Chennai.
- 2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.Nos.5912, 5915, 5917 and 5918 of 2019
and Crl.M.P.No. 3319, 3324, 3325 and 3327 of 2019

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srg 31/05/2019

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