

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 4793 of 2019

and

Crl.M.P.No.2826 of 2019

Kusum Devi More

Proprietrix M/s.Nikita Agency,

Represented by her son and Power Agent,

Bharat R.More

..Petitioner/Petitioner/
Complainant

Vs.

1. M/s.Sai Jayini Housing Promoters Pvt. Ltd.,
Represented by its Managing Direction,
L.Senthil Kumaran.

2. L.Senthil Kumaran

3. J.Soughath Rana

4. R.Mahalakshmi

..Respondents/Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the impugned order dated 12.02.2019 passed by the learned Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai in Crl.M.P.No.11797 of 2018 in C.C.No.5795 of 2008 and direct the learned Magistrate to allow the petitioner/complainant to recall and re-examine P.W.1 and mark the additional documents as pleaded in Crl.m.P.No.11797 of 2018 in the interest of justice and equity.

For Petitioner

: Mr.K.Amar for

M/s.Chennai Law Associates

For Respondents

: Mr.V.G.Anbarasu

O R D E R

This Criminal Original Petition has been filed challenging the order passed by the Court below dismissing the petition filed under Section 311 of Cr.P.C. to recall P.W.1.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. It is seen that the petitioner is the complainant and he has filed a complaint for the offence punishable under Section 138 of the Negotiable Instruments Act as against the respondents herein. It is also seen that the case has been posted for arguments at that stage, the petitioner/complainant filed a petition under Section 311 Cr.P.C to recall P.W.1. In fact, the respondent has already filed a petition under Section 91 of Cr.P.C and the same was allowed and the documents were filed before the Trial Court as early as on 29.04.2015 itself. Further, it is seen that the Calender Case of the year is 2008 and it is pending for more than 11 years and the trial has completely over and the matter is posted for arguments.

4. Considering the facts and circumstances of the case, this Court is not inclined to set aside the order passed by the Court below. There is no illegality or infirmity in the order passed by the Court below. However, the Trial Judge is directed to complete the trial, within a period of four weeks from the date of receipt of a copy of this order.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mpa/lpp

To

1)The Metropolitan Magistrate,
Fast Track Court No.IV,
George Town, Chennai

2)The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.V.G.Anbarasu, Advocate, S.R.No.26347

Cr1.O.P.No. 4793 of 2019
and
Cr1.M.P.No.2826 of 2019

VBA (CO)
SSM(22/04/2019)