

## IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.294 of 2019 and  
Crl.M.P.No.3372 of 2019

Mrs.Rani Sivagami ..Petitioner/Petitioner/Accused

Vs.

Mr. Vijayakumar ..Respondent/Respondent/Complainant

This Criminal Revision Case is filed under Section 397 read with Section 401 of Cr.P.C., to set aside the order dated 04.02.2019 made in C.M.P.No.387 of 2019 in S.T.C. No. 171 of 2016 pending on the file of the learned Judicial Magistrate, Fast Track, Court, Ambattur, Thiruvallur District.

For Petitioner : Mr.P.Anandakumar

## ORDER

The Criminal Revision Case has been filed against the order dated 04.02.2019 made in C.M.P. No. 387 of 2019 in S.T.C.No. 171 of 2016 by the learned Judicial Magistrate, Fast Track Court, Ambattur, Thiurvallur District.

2. The case of the petitioner is that she has filed a private complaint under Section 200 Cr.P.C., for an offence under Section 138 of the Negotiable Instruments Act before the learned Judicial Magistrate, Ambattur in S.T.C.No. 171 of 2016 on 30.10.2017, the accused was absent, therefore, Non bailable Warrant was issued and recalled on 07.08.2018. On 04.02.2019, accused present and D.W.1 was examined. List of the witnesses filed by the counsel for the accused to examine the Bank Manager. Till date, reasons for examining the Bank Manager is not filed. The petitioner filed a petition under Section 311 of Cr.P.C which was allowed only on condition to reopen the defence side evidence, accused examined under Section 315 Cr.P.C., The Court below was of the view that this list of witness has been filed only for protracting the proceedings. Hence, defence side evidence closed and the case was posted for arguments. As against, the order passed by the Court below, dated 04.02.2019, the petitioner has preferred the present Criminal Revision Case.

3. The learned counsel for the petitioner would submit that sufficient opportunity was not given for establishing his defence. After questioning under Section 313 of Cr.P.C., cross examination of P.W.1 was completed on 23.11.2018 and 06.12.2018. The petition under Section 311 Cr.P.C., was filed and dismissed on the very same day. It is further submitted that without an opportunity to the defence side, in the above case, now posted for argument, to substantiate the case of the accused, the defence side witness has to be examined. A plea is taken that the cheque of this petitioner was stolen by this respondent. Hence, the defence side has to be examined. But the petition to reopen and for examining the defence side was not allowed. Hence, the petitioner filed the present Criminal Revision.

4. Heard the learned counsel appearing on behalf of the petitioner and perused the materials available on record.

5. Considering the facts and circumstances of the case, this Court is of the view, on the available documents, that the sufficient opportunities were given to the revision petitioner and he filed a petition only for protracting the proceedings. Therefore, this Court does not find any infirmity or perversity in the order passed by the learned Judicial Magistrate, Fast Track Court, Ambattur dated 04.02.2019.

6. In the result, this Criminal Revision is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Judicial Magistrate,  
Fast Track Court, Ambattur,  
Thiruvallur District.

+1 cc to M/s.P.Anandakumar, Advocate Sr.No. 37142

AKM/19.11.19/2P-3C /

Cr1.R.C.No.294 of 2019