

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.7841 of 2019
and CRL.M.P.No.4265 of 2019

Duraisamy

... Petitioner/Accused

Vs.

Velmurugam

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to set aside the impugned order dated 01.03.2019 passed in C.M.P.No.1194 of 2019 in S.T.C.No.468 of 2016 on the file of the learned Judicial Magistrate No.I, Gobichettypalayam and in consequences thereon the learned Judicial Magistrate No.I, Gobichettypalayam may be directed to permit the petitioner to mark the documents in the defence witness.

For Petitioner : Mr.N.Devarajan

For Respondent : Mr.K.Sudhakar

O R D E R

This Criminal Original Petition has been filed challenging the order passed in C.M.P.No.1194 of 2019 in S.T.C.No.468 of 2016 dated 01.03.2019, thereby dismissing the application filed by the petitioner under Section 315 of Cr.P.C.

2. It is seen that the petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of Negotiable Instruments Act. The petitioner was examined as D.W.1. Thereafter, the petitioner filed a petition under Section 315 of Cr.P.C., to mark the following documents as his defence side documents.

(i) Passport stands in the name of accused issued on 30.05.1986

(ii) Passport stands in the name of the accused.

(iii) Driving license stands in the name of the accused.

3. The said petition was filed to prove that his father name is Muthusamy Gounder, since the respondent lodged complaint as against the petitioner stating that his father name is Ramaya Gounder instead of Muthusamy Gounder. For the said limited purpose, the said application has been filed. The learned

Judicial Magistrate No.I, Gobichettipalayam, dismissed the same for the reason that any subsequent document to the case will raise doubt over the case and there is no wonder that the respondent questioned about the same. It is seen that the said petition has been filed only for the limited purpose to correct his father's name.

4. Considering the above facts and circumstances, this Court feels that the petitioner may be given one more opportunity to mark the above said documents. Accordingly, the order passed by the trial Court is set aside and the trial Court is directed to permit the petitioner to mark the documents on the next hearing date fixed by the trial Court. If the petitioner failed to mark those documents on the date fixed by the trial Court, the trial Court is directed to proceed the trial in accordance with law. The trial Court is also directed to complete the trial proceedings within a period of four weeks from the date of the receipt of a copy of this Order.

5. In the result, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

rts

To

1.The Judicial Magistrate Court No.I,
Gobichettipalayam

+1 CC to Mr.N.Devarajan, Advocate sr 38899.

सत्यमेव जयते

CRL.O.P.No.7841 of 2019
and CRL.M.P.No.4265 of 2019

WEB COPY

NRJK (CO)
SP(25/04/2019)