

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 22.03.2019
CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 7842 of 2019
and Crl.M.P.No. 4267 of 2019

K.Saravanan

.. Petitioner

Vs

M/s.Baghmar Finance Ltd
Being represented by its Director
B.Prakashchand Baghmar
At No.49, Erulappan Street, 1st Floor,
Sowcarpet, Chennai - 600 079. ... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in Crl.M.P.No.2417 of 2019 in C.C.No.1384 of 2015 on the file of the Learned Fast Track Court IV Metropolitan Magistrate Court, George Town, Chennai and set aside the order of dismissal in Crl.M.P.No.2417 of 2019.

For Petitioner : Mr.M.Guruprasad

ORDER

This Criminal Original Petition has been filed to call for the records in Crl.M.P.No.2417 of 2019 in C.C.No.1384 of 2015 on the file of the Learned Fast Track Court IV Metropolitan Magistrate Court, George Town, Chennai and set aside the order of dismissal in Crl.M.P.No.2417 of 2019

2. The petitioner is facing trial before the Metropolitan Magistrate Court, Fast Track Court IV, George Town, Chennai for an alleged offence under Section 138 of the Negotiable Instruments Act. The petitioner filed Crl.M.P.No.2417 of 2019 in C.C.No.1384 of 2015 under Section 311 Cr.P.C seeking to reopen and recall the defence witness. But the Court below dismissed the Crl.M.P.No.2417 of 2019 filed by the petitioner. Hence, the present petition.

3. It is seen that on 15.03.2019 the Court below reserved the judgment in C.C.No.1384 of 2015 on 25.03.2019 and liberty was granted for the accused/petitioner to file the written arguments on 25.03.2019 after serving copies to other side. In the mean time, the petitioner had filed the miscellaneous petition before the Court below to reopen and recall the defence witness. The Court below has stated in the impugned order that the petition does not satisfy the criteria to allow the reopening of the defence evidence under Section 311 of Cr.P.C. Hence, the Court below had dismissed the Crl.M.P.No.2417 of 2019 filed by the petitioner.

4. Therefore, this Court does not find any illegality and infirmity in the order passed by the Court below. However, the petitioner is permit to submit his written arguments before the trial Court on 25.03.2019.

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

Sd/--

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssr/vsn
To

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

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Jawahar , Advocate SR.No. 27569

A.SK(22/03/2019)

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