

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.8160 & 8163 of 2019

S.M.Ezhilarasu

... Petitioner
in both Crl.O.Ps

Vs.

M/s. The Water Base Ltd.,
Rep. by its Authorised Signatory,
Mr.R.Chandramohan,
Thapar House,
No.37, Montieth Road,
Egmore, Chennai - 600 008.

...Respondent
in both Crl.O.Ps

COMMON PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in order dated 04.03.2019 passed by the Learned Fast Track Judge No.IV, George Town, Chennai in Crl.M.P.No.987 of 2018 in C.C.No.444 of 2017 and Crl.M.P.No.1904 of 2019 in C.C.No.151 of 2017 respectively and set aside the same.

For Petitioner : Mr.S.Senthil
in both Crl.O.Ps

For Respondent : No Appearance
in both Crl.O.Ps

C O M M O N O R D E R

These petitions have been filed to call for the records in order dated 04.03.2019 passed by the Learned Fast Track Judge No.IV, George Town, Chennai in Crl.M.P.No.987 of 2018 in C.C.No.444 of 2017 and Crl.M.P.No.1904 of 2019 in C.C.No.151 of 2017 respectively and set aside the same.

2. The petitioner is facing trial before the Learned Fast Track Judge No.IV, George Town, Chennai for an alleged offence under Section 138 of the Negotiable Instruments Act. The petitioner filed Crl.M.P.No.987 of 2018 in C.C.No.444 of 2017 and Crl.M.P.No.1904 of 2019 in C.C.No.151 of 2017 under Section 311 Cr.P.C seeking to recall PW1. But the Court below dismissed the said petition filed by the petitioner. Hence, the present petition.

3.Considering the facts and circumstances of this case, this Court is inclined to give one more opportunity to cross-examine PW1. Accordingly, the orders passed by the learned Fast Track Judge No.IV, George Town, Chennai in Crl.M.P.No.987 of 2018 in C.C.No.444 of 2017 and Crl.M.P.No.1904 of 2019 in C.C.No.151 of 2017 are hereby set aside and the petitioner is permitted to cross examine PW1 on payment of necessary charges. The trial Court is directed to fix a date for cross-examination and issue summon to PW1. It is made clear that if the petitioner fails to cross-examine the PW1 on the day fixed by the trial Court, the trial Court is directed to proceed further with the trial on merits in accordance with law.

4.With the above directions, these Criminal Original Petitions are allowed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssr
To

1. The Fast Track Judge No.IV, George Town, Chennai.
2. The Public Prosecutor, High Court, Madras.

+lcc to Mr. S.Senthil, Advocate SR.No. 39473

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A.SK(17/05/2019)

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