

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8730 of 2019
and Crl.M.P.No.4631 of 2019

Kasinathan

...Petitioner

Vs.

S.Krishnaveni

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to stay all further proceedings in C.C.No.37 of 2018 on the file of the Fast Track Court, Judicial Magistrate No.I, Mayiladuthurai, pending disposal of the above petition and to call for the records and set aside the order dated 26.02.2019 in Crl.M.P.No.928 of 2019 in C.C.No.37 of 2018 on the file of the Fast Track Court, Judicial Magistrate No.I, Mayiladuthurai.

For Petitioner : Mr.Sarath Chandran

For Respondent : No Appearance

O R D E R

This Criminal Original Petition has been filed to stay all further proceedings in C.C.No.37 of 2018 on the file of the Fast Track Court, Judicial Magistrate No.I, Mayiladuthurai, pending disposal of the above petition and to call for the records and set aside the order dated 26.02.2019 in Crl.M.P.No.928 of 2019 in C.C.No.37 of 2018 on the file of the Fast Track Court, Judicial Magistrate No.I, Mayiladuthurai.

2.Heard the learned counsel for the petitioner.

3.The case of the prosecution is that the petitioner is arrayed as the sole accused in C.C.No.37 of 2018 filed under Section 138 of the Negotiable Instruments Act for cheque issued in favour of the respondent for a sum of Rs.3,00,000/- and the said cheque was drawn on Union Bank of India, Mayiladuthurai Branch and the same was returned as amount "Insufficient" by memo dated 15.12.2017. The petitioner filed the 311 of Cr.P.C.,.

petition to recall the P.W.1 to cross examining for the reason at the time of cross examination the vital questions did not put to the P.W.1. Hence, this Criminal Original Petition.

4.Considering the above facts and circumstances, the petitioner may be given one more opportunity to cross examine the P.W.1. The order in CrI.M.P.No.928 of 2019 dated 26.02.2019 passed by the trial Court is set aside. The trial Court is directed to permit the petitioner to cross examine the P.W.1 on the next hearing itself. On payment of necessary charges, if the petitioner failed to cross examine the P.W.1. On the date fixed by trial Court, the trial Court is directed to proceed the trial on merits in accordance with law.

5.With the above observations, this Criminal Original Petition stands Allowed. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD IV)

//True Copy//

Sub Assistant Registrar

rna

To

1.The Judicial Magistrate No.I,
Fast Track Court
Mayiladuthurai.

2.-Do- Thro The Chief Judicial Magistrate,
Nagapattinam District. सत्यमेव जयते

+lcc to Mr.S.Sarath Chandran, Advocate Sr.41020

CrI.O.P.No.8730 of 2019
and CrI.M.P.No.4631 of 2019

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srg 30/05/2019