

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.14169 of 2019

and

CRL.MP.No.6868 of 2019

Mr.A.Thangavel

...Petitioner

.Vs.

Mr.K.Kullappan

...Respondent

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 09.04.2019 in C.M.P.No.9805 of 2018 in S.T.C.No.233 of 2018 on the file of Judicial Magistrate, Fast Track court at Magisterial Level, Tirupur.

For Petitioner : M/S.K.Sudhakar

For Respondent : No Appearance

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed under Section 311 of Cr.P.C., to recall P.W.1 for further cross examination.

2 The petitioner is facing trial before the Court below for an offence under Section 138 of the Negotiable Instruments Act. It is seen from the records that the present application that was filed by the petitioner is the fourth attempt made by the petitioner to recall P.W.1 for cross examination. It is also seen that P.W.1 was already cross examined by the petitioner in detail on 21.04.2015. Thereafter, a petition was filed for recalling P.W.1 and the same was allowed and in spite of the same the petitioner did not cross examine P.W.1. When the case was at the stage of final arguments, the present application came to be filed and the same has been rightly dismissed by the Court below. It is nothing but a clear attempt on the part of the petitioner to drag on the proceedings.

3 This Court does not find any illegality or infirmity in the order passed by the Court below and there are absolutely no grounds to entertain this petition.

4 In the result, this Criminal Original Petition is dismissed, and the Court below is directed to complete the proceedings in S.T.C.No.233 of 2018 within a period of three months, from the date of receipt of copy of this order. Consequently, the connected Criminal Miscellaneous Petition is closed.

sbn/ssr

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Fast Track court at Magisterial Level,
Tirupur.
2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.Sudhakar, Advocate, SR.No.45258

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Kak(01/07/2019)

सत्यमेव जयते

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