

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.15215 of 2019
and
Crl.M.P.No.7463 of 2019

N.B.Ramalingam

.. Petitioner

Vs.

P.Krishnamoorthy

.. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C. to set- aside the Order dated 15.04.2019 made in Crl.M.P.No.8641 of 2018 in S.T.C.No.109 of 2013 on the file of the Judicial Magistrate No.1, Gobichettipalayam, allow the above application.

For Petitioner : Mr.V.Rajesh

O R D E R

This petition has been filed challenging the order passed by the Court below partly disallowing the relief sought for by the petitioner in an application filed under Section 311 of Cr.P.C. to call for 10 witnesses to be examined on the side of the defence.

2.The petitioner is facing trial before the trial Court for an offence under Section 138 of Negotiable Instruments Act. On the completion of the evidence on the side of the respondent/complainant, the petitioner filed an application under Section 311 of Cr.P.C. seeking for issue summons to 10 witnesses to examine them on the side of the defence. The Court below has permitted the petitioner to examine witnesses No.1, 6 and 8 and has rejected in so far as the other witnesses are concerned.

3.The learned counsel for the petitioner submitted that the petitioner in order to establish his defence must examine all the 10 witnesses and the Court below ought not to have compartmentalized the order by rejecting 7 witnesses and allowing only for 3 witnesses.

4.This Court has carefully considered the submissions made by the learned counsel for the petitioner and the materials available on record.

5.A careful reading of the order passed by the Court below shows that the Court below has gone into each and every detail in the petition and has given specific reasons as to why 7 of the witnesses are not required to be examined. The Court below has also given categorical reasons as to why 3 of the witnesses are enough to be examined on the side of the petitioner to establish his defence.

6.This Court does not find any illegality or infirmity in the order passed by the Court below and there are no grounds to interfere with the same. The petitioner has already filed sufficient documents before the Court below and the same has also been marked and the examination of witnesses 1, 6 and 8 will sufficiently enable the petitioner to establish his defence.

7.In the result, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in S.T.C.No.109 of 2013 within a period of three months from the date of receipt of the copy of the order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vs

To

1. The Judicial Magistrate No.1,
Gobichettipalayam.
2. Do Thro' Chief Judicial Magistrate,
Erode.

+1cc to Mr.V.Rajesh, Advocate, S.R.No.48531

CrI.O.P.No.15215 of 2019
and
CrI.M.P.No.7463 of 2019

PM(CO)
CS/08/07/2019