

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.OP No.15583 of 2019

Ramadass

.. Petitioner/Petitioner/Accused

vs.

V.Rajendran

.. Respondent/Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order in CMP No.63 of 2019 in C.C.No.444 of 2018 dated 25.02.2019 on the file of Fast Track Court I, Coimbatore.

For Petitioner : Mr.R.Sankarasubbu

ORDER

This petition has been filed against the dismissal of the application under Section 311 of Cr.P.C. to recall PW1 for cross-examination.

2.The petitioner is facing trial before the Court below for an offence under Section 138 of the Negotiable Instruments Act.

3.It is seen from the records that the complaint was taken cognizance in the year 2017 and PW1 was examined in chief in the year 2018. The petitioner filed a petition in CMP No.6021 of 2018 to recall PW1 for cross-examination and the same was allowed by the trial Court. When PW1 was present before the Court below on 14.08.2018, he was not crossed. Therefore, the petition was dismissed. Again the petitioner filed a petition in CMP No.8373 of 2018 to recall PW1 for cross examination and it was dismissed. This order was not challenged by the petitioner.

4.The petitioner proceeded to file the third application under Section 311 of Cr.P.C. seeking for the very same prayer for recalling of PW1 for cross examination.

5.The Court below has dismissed the petition mainly on the ground that the petitioner has been given sufficient opportunity for recall and cross-examination of PW1 and the second application that was filed by the petitioner to recall PW1 was dismissed and the said order has also become final and therefore, the third application seeking for the very same relief is not maintainable.

6.This Court does not find any illegality or infirmity in the order passed by the Court below and there is no ground to interfere with the same. This Criminal Original Petition is dismissed. The Court below is directed to complete the proceedings in C.C.No.444 of 2018 dated 25.02.2019, within a period of two months from the date of receipt of copy of this order.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Fast Track Court I, Judicial Magistrate I
Coimbatore.

2.The Public Prosecutor,
High Court of Madras,
Madras.

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Cr1.OP No.15583 of 2019

PVS (CO)
GMY (02/07/2019)

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