

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.13385 of 2018 and
Crl.M.P.No.7025 of 2018

Koteswara Rao

... Petitioner

Vs.

Ne rella Sathya Narayana

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in Crl.M.P.No.1262 of 2018 in C.C.No.3901 of 2016 on the file of the learned Fast Track Court-III at Saidapet, Chennai and set aside the order passed in Crl.M.P.No.1262 of 2018, dated 17.04.2018.

For Petitioner : Mr.P.Udayakumar

O R D E R

This Criminal Original Petition has been filed challenging the order dated 17.04.2018 passed in Crl.M.P.No.1262 of 2018 in C.C.No.3901 of 2016 on the file of the Fast Track Court-III at Saidapet, Chennai, thereby dismissing the petition filed by the petitioner under Section 311 of Cr.P.C to cross examine PW1.

2.It is seen that the petitioner is the accused in C.C.No.3901 of 2016 arising out of the offence under Section 138 of the Negotiable Instruments Act. The respondent examined himself as PW1 in Chief on 19.06.2013, thereafter, he was cross examined on 03.07.2014, 08.11.2013 and on 25.11.2013.

3.The learned counsel for the petitioner would submit that the vital points were not questioned during the cross examination by the previous counsel. Therefore, the petitioner needs to cross examine PW1 through this present counsel. It is also seen that the case has been transferred from one Court to another and as such, the petitioner has filed this petition in the year 2018.

4.Considering the facts and circumstances of the case, this Court is of the view that the petitioner may be given one more opportunity to cross examine PW1. Accordingly, this Criminal Original Petition is allowed and the order dated 17.04.2016 in Crl.M.P.No.1262 of 2018, passed by learned Fast Track Court-III at Saidapet, Chennai, is set aside.

It is made clear that the petitioner shall complete the cross examinatioin of PW1 on the next hearing date itself, failing which, the trial Court is directed to proceed with the trial in accordance with law. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

The Metropolitan Magistrate,
Fast Track Court-III at Saidapet, Chennai.

+1cc to Mr.P.Udayakumar, Advocate sr.20072

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