

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.17868 of 2019

and

Crl.M.P.No.8999 of 2019

M/s.NCC Limited., (Formerly Nagarjuna
Constructions Company Ltd.,)
8th Floor, No.190A, Pettukola Towers,
P.H.Road, Kilpauk, Chennai-600 010
Rep by its Manager (Co-Ordination)/
Authorized Signatory
Mr.S.Khader Basha.

...Petitioner

Versus

M/s.D.J.Infra & Constructions,
Rep by Partner Muthukumar,
No.3, Tharageswari Nagar,
Sembakkam, Chennai-600 073

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to set aside the order dated 07.05.2019 passed in Crl.M.P.No.2085 of 2019 in C.C.No.5979 of 2012 by the Fast Track Court-I, Metropolitan Magistrate, Egmore at Allikulam, Chennai - 600 003.

For Petitioner : Mr.K.K.Murralitharan

For Respondent : Mr.S.D.Santhana Krishnan

O R D E R

The respondent / accused had filed an application under Section 311 Cr.P.C., seeking to summon and cross examine P.W.1, and the same was initially allowed directing the respondent to complete the cross examination within two hearings and on payment of costs of Rs.1,000/- to the Legal Aid.

2.Though such a permission was granted to the respondent herein, P.W.1 was not cross examined within the stipulated time. Further, in this petition filed by the petitioner/complainant, an order of interim stay of proceedings before the Trial Court was granted.

3.The learned counsel for the respondent submitted that since the proceedings pertain to a complaint under Section 138 of Negotiable Instruments Act, and the Trial Court had earlier extended leniency to the respondent on terms, this Court may extend similar leniency to the respondent by putting him to strict terms.

4.The learned counsel for the petitioner opposed the submissions made by the learned counsel for the respondent stating that the intention of the respondent behind filing of application under Section 311 Cr.P.C., is only to drag on the proceedings.

4.In my view, if the respondent is directed to complete the cross examination of PW.1, within a one day, the petitioner would not have any such grievance.

5.In the light of the above observations, the respondent is at liberty to file a fresh application before the Trial Court within a period of one week from the date of receipt of a copy of this order and on such receipt of the said application, the learned Metropolitan Magistrate, Fast Track Court-I, Chennai shall permit the respondent to cross examine P.W.1 alone on one particular day and ensure that the cross examination is completed on the same day. It is made clear that the respondent herein shall not be granted permission for any further time to cross examine P.W.1. The respondent shall also pay a sum of Rs.500/- towards costs to P.W.1, at the time of such cross examination.

6.With the above directions, this Criminal Original petition disposed of. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

sbn/klt

To

1.The Metropolitan Magistrate, Fast Track Court-I,
Egmore, Allikulam, Chennai-600 003.

+1cc to Mr.K.K.Murralitharan, Advocate SR.No.82491

+1cc to Mr.S.D.Santhana Krishnan, Advocate SR.No.82760

Crl.O.P.No.17868 of 2019
and
Crl.M.P.No.8999 of 2019

EV(CO)
GMY(01/10/2019)