

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.18754 of 2019

R.Soundararajan

... Petitioner

Vs.

A.Nazer Badsha

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order passed in Crl.M.P.No.714 of 2019 in S.T.C.No.1339 of 2017, dated 11.06.2019, on the file before the Judicial Magistrate No.I, Krishnagiri and direct the trial Court to permit the petitioner to cross examine of PW.1.

For Petitioner : M/s.M.P.Saravanan

For Respondent : M/s.E.Kannadasan

O R D E R

This petition has been filed challenging the order passed by the Court below, dismissing the application filed by the petitioner to recall PW.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. The respondent examined himself as PW.1 and he was also cross examined by the petitioner at length on 16.08.2018. The petitioner, thereafter filed an application in Crl.M.P.No.5757 of 2018 for recalling PW.1 for further cross examination and this petition was withdrawn on 10.01.2019. Again the petitioner has moved the Court below, seeking for the very same relief in July 2019. The Court below, after recording reasons, found that the case is at the stage of final hearing and the petitioner has filed the petition only with the intention to drag on the proceedings.

3. The learned counsel for the petitioner submitted that one last opportunity can be given to the petitioner to recall PW.1 for further cross examination and even a time limit can be fixed by this Court for the disposal of the case.

4. The learned counsel for the respondent submitted that PW.1 has been cross examined in detail and the earlier application filed for a similar relief was also dismissed as with drawn. Therefore, the petitioner cannot maintain one more petition for the same relief before the Court below.

5. This Court has carefully considered the submissions made on either side and perused the materials available on record.

6. This Court does not find any illegality or infirmity in the order passed by the Court below. The Court below has given sufficient reasons for not entertaining the petition filed by the petitioner. This Court does not find any ground to interfere with the same.

7. In the result, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings within a period of two months from the date of receipt of copy of this order.

s/d-

Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

1.The Judicial Magistrate No.I, Krishnagiri.

2.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.E.Kannadasan, Advocate sr 65297.

सत्यमेव जयते

Cr1.O.P.No.18754 of 2019

BS (CO)

SP(28/08/2019)

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