

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.07.2019
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.O.P No.18871 of 2019
and Crl.M.P No.9619 of 2019

R.Kamaraj

Petitioner

vs.

M.Velusamy

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the order dated 02.07.2019 made in Crl.R.C.No.16 of 2019 passed by the learned Principal District and Sessions Judge at Chennai, confirming the order dated 21.02.2019 made in Crl.M.P.No.90 of 2019 in C.C.No.6433 of 2016 passed by the learned XIX Metropolitan Magistrate, Parktown, Chennai Corporation Complex, Chennai - 600 003 and to set aside the same by allowing the petition filed by the petitioner.

For Petitioner : Mr.S.Sathish Rajan

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 for further cross-examination of PW1.

2. The petitioner is facing trial before the Court below for an offence under Section 138 of the Negotiable instruments Act. The complaint was taken cognizance in the year 2016. It is seen from records that the PW1 was already cross-examined by the petitioner on 10.08.2017 and the petitioner on the side of the defence has already examined DW1 to DW5 and marked exhibits DW1 to DW5. The evidence on the side of the defence was closed on 13.03.2018. On 24.04.2018, the arguments on the side of the complainant was also completed and the case was posted for the arguments of the defence. At that stage the present petition came to be filed under Section 311 of Cr.P.C. to recall PW1 for further cross-examination.

3. The Court below dismissed the petition mainly on the ground that the PW1 has been sufficiently cross-examined and the petitioner only intended to drag on the

proceedings and therefore, filed this petition at the fag end of the proceedings, when the case at the stage of the final arguments.

4. The learned counsel for the petitioner submitted that one last opportunity can be given to the petitioner to recall PW1 for cross-examination since he wanted to contradict PW1 based on one of the documents that was marked on the side of the defence.

5. This Court has carefully considered the submissions made by the learned counsel for the petitioner and the materials available on record. This Court does not find any illegality or infirmity in the order passed by the Court below and there are absolutely no grounds to interfere with the same.

6. In the result, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.6433 of 2016 within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Principal District and Sessions Judge,
Chennai.

2. The XIX Metropolitan Magistrate,
Parktown,
Chennai Corporation Complex,
Chennai - 600 003

+lcc to Mr.S.Sathish Rajan , Advocate SR.No. 60504

Cr1.OP No.18871 of 2019
and Cr1.M.P No.9619 of 2019

A.SK(09/08/2019)