

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.26248 of 2019
and CRL.M.P.No.14598 of 2019

1.M/s.University Papers

Represented by its Proprietor Mohammed Thaslim
51/2, Anderson Street,
Chennai-1.

2.Mr.Mohammed Thaslim aged 58 years

Authorised Signatory/Proprietor

M/s.University Papers,

51/2, Anderson Street, Chennai-1.

... Petitioner

Vs.

V.Valliammai Proprietrix

M/s.Valliammai Agencies

Rep by Power Agent, Mr.S.Valliyappan

No.19/4, Stringer Street,

Broadway, Chennai-108.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to the order dated 17.09.2019 made in MP.No.2729 of 2019 in CC.No.2600 of 2012 on the file of the Court of Metropolitan Magistrate, Fast Track Court, Magistrate Level-IV, George Town, set aside the same and allow the MP.

For Petitioners : Mr.M.Devaraj

O R D E R

This petition has been filed seeking a direction, to call for the records relating to the order dated 17.09.2019 made in MP.No.2729 of 2019 in CC.No.2600 of 2012 on the file of the Court of Metropolitan Magistrate, Fast Track Court, Magistrate Level-IV, George Town, set aside the same and allow the MP.

2.The learned counsel for the petitioners has submitted that the petitioners are facing trial for the alleged offence under Section 138 of the Negotiable Instruments Act. He further

submitted that the respondent herein has filed totally twelve cases against the petitioners herein and in all the said cases, the petitioners have filed the petition under Section 311 r/w Section 315 of Cr.P.C. to reopen the defence side evidence and permit the accused to give evidence and to mark the relevant documents on the defence side. But, the learned Magistrate has dismissed the said petitions without assigning any valid reasons. He further submitted that in the connected matters in Crl.O.P.Nos.27388 & 26450 of 2019 etc. dated 30.10.2019, this Court has allowed in the said petitions and set aside the orders passed by the Trial Court and permitted the petitioners to adduce evidence and hence he requested to extend the same benefit in this petition also.

3.Though notice served on the respondent and his name also printed in the cause list, there is no representation on behalf of him either in person or through counsel.

4.This Court vide order dated 30.10.2019 in the above said connected Crl.O.Ps. has set aside the orders passed by the Trial Court and directed the Trial Court to permit the petitioners to adduce evidence on their side. Hence, this Court is inclined to extend the same benefit in this petition also.

5.In the result, this petition is allowed. The impugned order dated 17.09.2019 on the file of Metropolitan Magistrate, Fast Track Court at Magisteriat Level - IV, George Town, Chennai-01, is set aside. The Trial Court Magistrate is directed to reopen the evidence and permit the petitioners to adduce evidence and mark the relevant documents on the defence side which shall be completed atleast before 18.12.2019. It is made clear that the petitioners shall not be entitled for extention of time on the same.

6.Accordingly, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gbi

To

1.The Court of Metropolitan Magistrate,
Fast Track Court,
Magistrate Level-IV,
George Town,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Devaraj, Advocate sr.102313

CRL.O.P.No.26248 of 2019
and
CRL.M.P.No.14598 of 2019

cp(co)
nr 10/12/2019



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