

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.28497 of 2019
and
Crl.M.P.Nos.15199 & 15200 of 2019

M.C.Subramaniam .. Petitioner

Vs.

S.Dhanalakshmi .. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and set aside the order dated 23.09.2019 passed in Crl.R.C.No.30/2019 against Crl.M.P.No.4033/2019 in S.T.C.No.381/2012 on the file of the Principal Sessions Judge, Erode.

For Petitioner : Mr.I.C.Vasudevan

O R D E R

The prayer sought for in this petition is to set aside the order dated 23.09.2019 passed in Crl.R.C.No.30/2019 on the file of the learned Principal Sessions Judge, Erode.

2. The learned counsel for the petitioner would submit that in order to establish that the signature found in the cheque was not his signature, he seeks for recall of PW.1 for further cross examination.

3. The Trial Court had rightly observed that when the accused had denied the alleged borrowal of money and issuance of cheque and also the signature found in the cheque, he had filed a petition under Section 45 of the Indian Evidence Act and had obtained the expert's opinion and such an expert was also

examined as DW.1. The expert's report is also marked as Ex.5. While that being so, there is no justification on the part of the petitioner to seek for recall of PW.1 for further cross examination for the very same purpose. As such, the Trial Court was justified in rejecting the petitioner's application under Section 311 Cr.P.C. Hence, no interference is required in the said impugned order.

4. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

jas/hvk

To

1.The Principal Sessions Judge,
Erode.

2.The Judicial Magistrate,
(Fast Track Court) No.1,
Erode.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.I.C.Vasudevan Advocate sr88782

Cr1.O.P.No.28497 of 2019
and

Cr1.M.P.Nos.15199 & 15200 of 2019

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