

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.25717 of 2017
and
M.P.No.14822 of 2017

K.Ramasamy ... Petitioner
Vs.

T.K.Saravnan ... Respondent

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order passed by the learned Judicial Magistrate (FTC), Tiruchengode made in C.M.P.No.3461 of 2017 in S.T.C.No.29 of 2017 dated 12.10.2017.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.V.Raghavachari

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed under Section 311 of Cr.P.C to re-call P.W.1 for cross-examination.

2. It is seen from the records that the petitioner is facing trial before the Court below for an offence under Section 138 of the Negotiable Instruments Act. When P.W.1 was examined in chief, the petitioner did not cross-examine the P.W.1 and therefore, the evidence was closed. The petitioner filed C.M.P.Nos.1102 and 1103 of 2017 seeking for recalling P.W.1 for cross-examination. The respondent did not have any objection in allowing the petition and therefore, P.W.1 was re-called. The petitioner chose not to cross-examine P.W.1 for nearly six hearing dates and therefore, the Court below left with no other option, closed the evidence on 08.08.2017 and posted the case for evidence of defence. After nearly six hearings, the petitioner filed C.M.P.No.3299 of 2017 to re-call P.W.1 for cross-examination. That petition after contest, was dismissed by the Court below. Again the petitioner chose to file one more application to re-call P.W.1 for cross-examination and the Court below has dismissed that petition and the same has been challenged before this Court.

3.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

4.This Court does not find any illegality or infirmity in the order passed by the Court below and the Court below was clearly justified in dismissing the application filed by the petitioner to re-call P.W.1 for cross examination. This is the third occasion where the petitioner has filed a petition for recalling P.W.1 and the petitioner in spite of being given sufficient opportunity chose not to cross-examine PW1 on all the earlier occasions. The intention of the petitioner is only to drag on the proceedings.

5. In the result, the Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in S.T.C.No.29 of of 2017, within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (CJ)

//True Copy//

Sub Assistant Registrar

vv/kal

To

1. The Judicial Magistrate (FTC),
Tiruchengode.

2. The Public Prosecutor,
High Court of Madras,
Chennai.

+1cc to M/s.V.Raghavachari, Advocate, SR. No. 47263

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PPA (CO)
RMP (02/07/2019)