

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.16771 of 2017  
and  
CrI.M.P.No.10298 of 2017

S.Thirunavukarasu

... Petitioner

vs.

S.Gunalan

... Respondent

PRAYER: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, praying to set aside the order dated 04.04.2017 in M.P.No.311 of 2017 in C.C.No.4336 of 2011 passed by FTC-II Metropolitan Magistrate court, Egmore at Allikulam, Chennai-3.

For Petitioner : Mr.G.Muthukumar

For Respondent : Mr.A.Suresh

ORDER

This petition has been filed seeking to set aside the order dated 04.04.2017 in M.P.No.311 of 2017 in C.C.No.4336 of 2011 passed by FTC-II Metropolitan Magistrate court, Egmore at Allikulam, Chennai-3.

2. This petition has been filed against the dismissal of the application filed under Section 311 of Cr.P.C. for recalling PW1 for further cross examination.

3. It is seen from records that the petitioner faced trial before the Court below for an offence under Section 138 of the Negotiable Instruments Act. The petitioner filed an application under Section 311 of Cr.P.C. to recall PW1 for further cross examination. This petition was allowed by an order dated 21.03.2017 by imposing the condition that the petitioner must pay a cost of Rs.10,000/- (Rupees Ten thousand only) on or before 04.04.2017. Since the petitioner did not pay the cost, the petition came to be dismissed on 04.04.2017.

4. This Court does not find any illegal infirmity in the order passed by the Court below and there is no ground to interfere with the same.

5. In the result, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.4336 of 2011 within a period of two months from the date of receipt of copy of this order. If it has not already been disposed. Consequently, the connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To

The Metropolitan Magistrate,  
Fast Track Court No.II,  
Egmore, Allikulam,  
Chennai-3.

Crl.O.P.No.16771 of 2017  
and  
Crl.M.P.No.10298 of 2017

SS (CO)  
SP (26/08/2019)

सत्यमेव जयते

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