

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.27614 of 2017
in Crl.M.P.No.15760 of 2017

1.N.S.Rathinam & Sons
Partnership Firm,
Rep. by its Partner,
Mr.R.Chandrasekaran,
No.291, M.T.H.Road,
Avadi, Chennai - 600 054.

2.R.Chandrasekaran,
Partner,
M/s.N.S.Rathinam and Sons,
No.32 & 34, V.N.Doss Road,
Mount Road,
Chennai - 600 002.

3.R.Akkammal

...Petitioners

-Vs-

Smt.Badam Kavar

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the order dated 17.11.2017 made in Crl.M.P.No.7872 of 2017 in C.C.No.573 of 2009 on the file of the Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai.

For Petitioner : M/s.M.Shankarnath

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 recall PW.1 for cross examination.

2. The petitioner is facing trial before the Court below, for an offence under Section 138 of Negotiable Instruments Act.

3. It is seen from records that the proof affidavit of PW.1 was filed in the year 2010 and after nearly seven years,

the petitioner has filed an application to recall PW.1 for cross examination. The Court below has taken into consideration the enormous delay without any explanation and has proceeded to dismiss the petition.

4. This Court does not find any illegality or infirmity in the order passed by the Court below and there are no grounds to interfere with the same. This Court also taking into consideration the fact that Non Bailable Warrant was pending against this petitioner for nearly five years and he was not appearing before the Court below. Therefore, there is absolutely no bonafides on the part of the petitioner.

5. In view of the above, this Criminal Original Petition is dismissed and the Court below is directed to proceed further with the case and complete the proceedings in C.C.No.573 of 2009, on the file of the Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai, within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

The Metropolitan Magistrate,
Fast Track Court No.IV, George Town,
Chennai.

+1cc to M/s.M.Shankarnath, Advocate SR.No.49004

CrI.O.P.No.27614 of 2017

RSV (CO)
GMY (04/07/2019)