

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 21.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.27601 of 2018

L.Rajendran

... Petitioner

Vs.

R.Senthil Kumar

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the dismissal order of the lower Court in Crl.M.P.No.3659 of 2018 in C.C.No.371 of 2018 on the file of the Fast Track Court-II Metropolitan Magistrate, Egmore at Allikulam, Chennai consequently direct the respondent/Fast Track Court-II Metropolitan Magistrate, Egmore at Allikulam, Chennai to allow the under Section 311 of Cr.P.C to recall the P.W.1 for cross-examination.

For Petitioner : Mr.L.Infant Dinesh

ORDER

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

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

Admittedly, the entire trial has been completed and the case was at the stage of final arguments. It is also seen from the records that P.W.1 has already been cross examined by the petitioner. The present petition came to be filed only on the ground that there is a change in counsel representing the petitioner and earlier counsel has inadvertently failed to put certain important question to the witness.

3.The Court below has rightly dismissed the petition on the ground that the change in counsel is not a ground for recalling a witness. This Court does not find any illegality or infirmity in the order passed by the Court below. There are absolutely no grounds to interfere with the order passed by the Court below.

4.In the result, this Criminal Original Petition is dismissed. The Court below is directed to complete the proceedings within a period of two months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

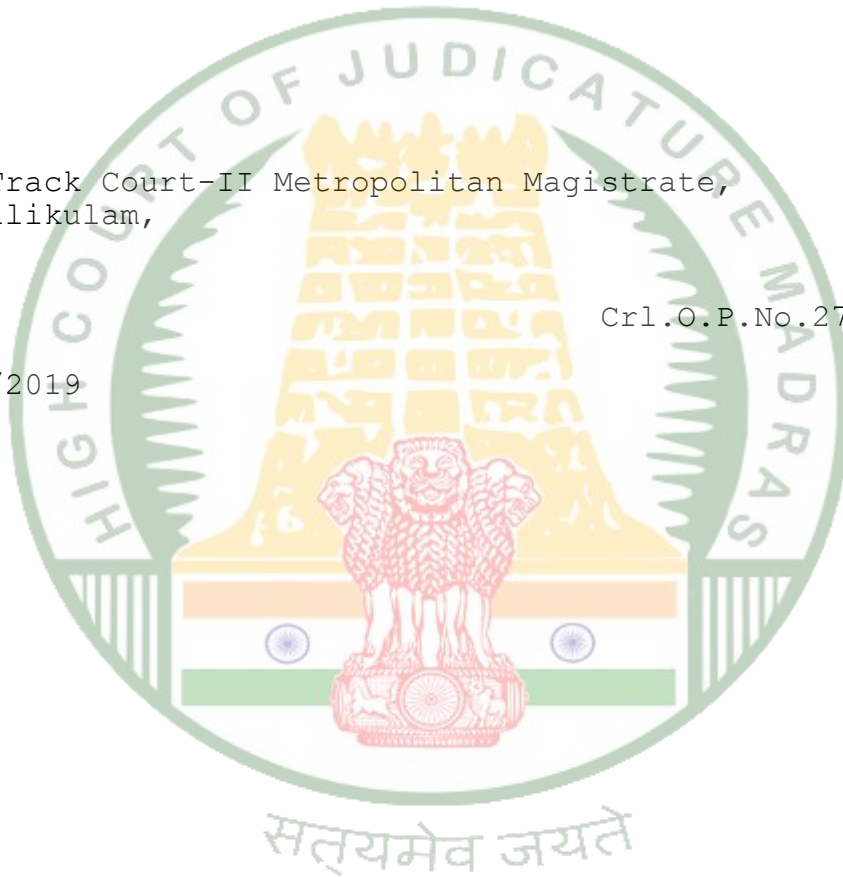
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To:

The Fast Track Court-II Metropolitan Magistrate,
Egmore, Allikulam,
Chennai.

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rrs 11/02/2019



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