

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.02.2019

CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.30282 of 2018
and Crl.M.P.No.17804 of 2018

1.M/s.Aravindar Educational Trust,
Represented by its Authorised Signatory,
Mr.Nithyanandan,
Mailam Road,
Sedarapet Post,
Pondicherry - 605 011.

2. Nithyanandan ... Petitioners/Accused

Vs.

M/s.Kotak Mahendra Bank Ltd.,
No.49, Ceebros Centre, 1st Floor,
Monteith Road, Egmore, Chennai,
Represented by its Chief Manager,
Mr.Ponraj Thangadurai. ...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order dated 06.12.2018 in Crl.M.P.No.11220 of 2018 in C.C.No.2750 of 2016 on the file of the learned Metropolitan Magistrate, Fast Track Court - IV, George Town, Chennai.

For Petitioners : Mr.S.V.Karthikeyan

For Respondent : Mr.M.Arunachalam

ORDER

This petition has been filed to to set aside the order dated 06.12.2018 in Crl.M.P.No.11220 of 2018 in C.C.No.2750 of 2016 on the file of the learned Metropolitan Magistrate, Fast Track Court - IV, George Town, Chennai.

2. The petitioner filed petition under Section 311 Cr.P.C. to recall PW1 on two occasions. On 08.12.2017, he cross examined PW1 in part and it was adjourned for further cross examination. Even after so many adjournments granted to the petitioner for cross examination, he did not avail of the said benefit granted by the trial court. Therefore, 313 Cr.P.C. questioning was completed and the matter was posted for arguments on several occasions. Now the petitioner filed this

petition to cross examine PW1 as his last chance. But, it was rejected by the learned Metropolitan Magistrate, Fast Track Court - IV, George Town, Chennai. During the trial he paid some amount towards loan to the defacto complainant subject to verification by the defacto complainant. It is also seen that the case is posted for arguments tomorrow on 12.02.2019.

3. Considering the facts and circumstances of the case, the petitioner can be given one more opportunity to cross examine PW1 in respect of payment made by him during the trial. Therefore, the order passed by the learned Metropolitan Magistrate, Fast Track Court - IV, George Town, Chennai is set aside. The petitioner is permitted to cross examine PW1 on 12.02.2019 and the cross examination should be completed on the same day failing which the trial court is directed to proceed the trial in accordance of law.

4. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

lok

To

The Metropolitan Magistrate,
Fast Track Court - IV, George Town,
Chennai

+1cc to Mr.S.V.Karthikeyan, Advocate, S.R.No.11766

+1cc to Mr.M.Arunachalam, Advocate, S.R.No.12259 (13/02/2019)

सत्यमेव जयते
Cr1.O.P.No.30282 of 2018
and Cr1.M.P.No.17804 of 2018

MP (CO)

rrs 11/02/2019

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