



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

Crl OP(MD)No.4238 of 2015

and

MP(MD)No.1 of 2015

S.Isakki Madan

... Petitioner/Petitioner/Complainant

Vs.

Visalakshi

... Respondent/Respondent/Accused

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order passed in Crl.M.P No.9101 of 2014 in STC No.1955 of 2010 on the file of the Judicial Magistrate, Padmanabhapuram dated 19.12.2014.

For Petitioner : Mr.G.Aravindan

For Respondent : Mr.M.R.Sreenivasan

ORDER

The complainant in STC No.1955 of 2010 on the file of the Judicial Magistrate, Padmanabhapuram is the petitioner herein. It is a case arising under Section 138 of the Negotiable Instruments Act. After the complainant's side was closed, he filed a petition under Section 311 of Cr.PC for cross examining the accused. One more application was filed for reopening. The complainant wanted to examine two more witnesses on his side. This application was dismissed by the court below by order dated 19.12.2014. Challenging the same, this petition has been filed.

2.Heard the learned counsel on either side.

3.The learned counsel appearing for the accused would point out that the complainant's conduct deserves to be taken note of and that is why the court below rightly dismissed the petition and that the said order does not call for any interference.

4.Though the stand of the respondent's counsel is rather well founded, I am of the view that the interest of justice would be served by giving one more opportunity to the complainant. After all the complainant wants to establish his side. He wants to examine two more witnesses. They are in fact hailing from the same region. In the matter, the order impugned in this petition



stands set aside and this petition is allowed. The case is of the year 2010. Therefore, the trial court is directed to conclude the case on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. Connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(P&A)

/TRUE COPY/

Sub Assistant Registrar

Skm

To

The Judicial Magistrate, Padmanabhapuram.

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-90634[F] dated 01/10/2019)

+1 CC to M/s.G. ARAVINTHAN, Advocate (SR-90734[F] dated 01/10/2019)

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JM/18.10.2019/2P/4C