



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.09.2019

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.8534 of 2017

and

Crl.M.P(MD)Nos.5762 and 5763 of 2017

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1.M/s.Nithyasri Marketing,
A Partnership Firm rep.by its,
Managing Partner G.Seshan,
No.25, Vaithiyanatha Iyer Street,
Stenoy Nagar,
Madurai - 625 020.

2.G.Seshan

3.S.Shiyamala

... Petitioners / Accused Nos.1 to 3

Vs.

Crompton Greaves Consumer Electricals
Limited,

Crompton House,
No.3, Dr.M.G.R.Salai,
Nungambakkam,
Chennai - 600 034.

Rep. by its Legal & Admn.Manager,
D.Rajesh

...Respondent / Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the order in Cr.M.P.No.2110 of 2017 in S.T.C.No.70 of 2015 on the file of the learned Judicial Magistrate No.I (Fast Track Court at Magisterial Level), Madurai, Madurai District on 26.05.2017 and set aside the same.

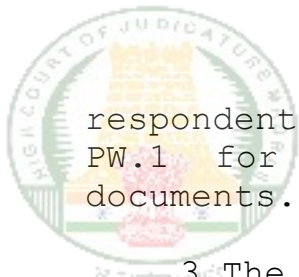
For Petitioners : Mr.R.Anand

For Respondents : No Appearance

O R D E R

This petition has been filed challenging the order passed by the Court below allowing the application filed by the respondent U/s.311 of Cr.P.C to recall PW.1 and to mark certain documents.

2.The respondent has filed a complaint against the petitioners for an offence U/s.138 of Negotiable Instruments Act. The respondent is a company and it was represented by a officer duly authorised to represent the company. The authorised officer was examined on behalf of the company and he was also examined on behalf of the company. The evidence was also closed. Subsequently, the



respondent has filed a application U/s.311 of Cr.P.C. to recall PW.1 for clarifying certain issues and for marking certain documents.

3.The Court below allowed this application on the ground that it is required to clarify certain issues that have been raised by the petitioners and that the petitioners will also get a fair chance to cross-examine PW.1.

4.The learned counsel for the petitioners submitted that the application itself has been filed only to fill up the lacuna and PW.1, who is the power agent, cannot speak on behalf of the respondent company, since he does not have a personal knowledge about the transaction that happened between the petitioners and the respondent. The learned counsel further submitted that even in the application filed before the Court below, PW1 has accepted the fact that he does not have personal knowledge about the transaction, since he joined in the company only in April 2013.

5.This Court has carefully considered the submissions made by the learned counsel for the petitioners and the materials available on record.

6.This Court does not find any illegality or infirmity in the order passed by the Court below and this Court is not inclined to interfere with the order passed by the Court below.

7.The petitioners will have a fair opportunity to cross-examine PW.1 as and when he is recalled and documents are marked through him. The petitioners will not be put to prejudice in anyway by recalling PW.1.

8.In the result, this Criminal Original Petition is dismissed and the learned Judicial Magistrate No.I (Fast Track Court at Magisterial Level), Madurai, is directed to complete the proceedings in S.T.C.No.70 of 2015, within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)



To

The Judicial Magistrate No.I
(Fast Track Court at Magisterial Level),
Madurai, Madurai District

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+1 CC to M/s.R. ANAND, Advocate (SR-85471[F] dated 05/09/2019)

CrI.O.P.No.8534 of 2017
and
CrI.M.P (MD) Nos.5762 and 5763 of 2017
04.09.2019

KM/ (25.09.2019) 3P 3C