

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2136 of 2020
and Crl.MP.No.1323 of 2020

T.Varatharaj,
S/o. Thangavelu,
Door No.244, Lakshmi Complex,
Netaji Road,
Erode District.

... Petitioner

Vs.

Lalithkumar,
S/o. Mohanlal Jain,
Proprietor M/s.Maneesh Finance Company,
Door No.261, Eswaran Koil Street,
Erode District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order dated 16.12.2019 made in Crl.R.C.No.51 of 2019 on the file of the Principal Sessions Judge confirming the order dated 13.09.2019 made in Crl.M.P.No.6012 of 2019 in STC.No.622 of 2017 on the file of the Judicial Magistrate, Fast Track Court II, Erode.

For Petitioner : Mr.L.Sharadh Kumar
For Respondent : No Appearance

O R D E R

This petition has been filed challenging the order passed in Crl.R.C.No.51 of 2019, dated 16.12.2019 on the file of the Principal Sessions Judge, Erode confirming the order passed in Crl.M.P.No.6012 of 2019 dated 13.09.2019 in STC.No.622 of 2017 on the file of the Judicial Magistrate, Fast Track Court II, Erode.

2. It is seen that the petitioner is an accused on the complaint lodged by the respondent for the offence punishable under Sections 138 of the Negotiable Instruments Act. Pending trial, the petitioner filed a petition in Crl.M.P.No.6012 of 2019 under Section 311 Cr.P.C. to reopen the case for the purpose of cross-examination of PW1. The said petition was

dismissed by the Judicial Magistrate, Fast Track Court II, Erode and the same was confirmed by the Principal Sessions Judge, Erode.

3. On perusal of the records, it is seen that on 17.05.2018, PW1 was examined in chief and exhibits were marked and on the request of the petitioner herein, the case was adjourned on several hearings for cross-examination of PW1. Thereafter, the evidence was closed and posted for defence witness and finally posted for arguments. At that juncture, the petitioner herein filed Crl.M.P.No.7690 of 2018 to recall PW1 for cross-examination and the same was allowed on 24.10.2018 by the Trial Court. After giving several opportunities, PW1 was finally cross-examined on 11.06.2019. Thereafter, the case was posted for arguments on 05.08.2019. At that stage, again the petitioner filed a petition under Section 311 Cr.P.C. to recall PW1 for cross examination. When the petitioner fully cross-examined PW1 in S.T.C.No.622 of 2017 and the matter was posted for arguments, at the fag end of the trial, he filed the very same petition to recall the PW1. It shows that the petition was filed only to drag on the proceedings and the Trial Court rightly dismissed the petition filed under Section 311 Cr.P.C, which was confirmed by the First Appellate Court and further directed to complete the trial within a period of two months. Therefore, this Court finds no illegality or irregularity in the orders passed by the Courts below. Accordingly, this petition is dismissed. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

pvsTo

- 1.The Principal Sessions Judge, Erode
2. The Judicial Magistrate,
Fast Track Court II, Erode.
3. The Public Prosecutor,
High Court, Madras.

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RLD(CO)
SP(01/10/2020)