

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: .22.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.1744 of 2020

1.Senthil Kumar

2.Gowri

... Petitioners

Vs.

Elayaraja

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order dated 18th December 2019 in C.M.P.No.4409 of 2019 in S.T.C.No.4543 of 2018 passed by the Judicial Magistrate, Thiruvottiyur, Chennai.

For Petitioners: M/s.Shaikh Mehrunisa

For Respondent : No Appearance

ORDER

This petition has been filed challenging the order passed in C.M.P.No.4409 of 2019 in S.T.C.No.4543 of 2018 dated 18.12.2019 on the file of the Judicial Magistrate, Thiruvottiyur, Chennai, thereby seeking application filed by the petitioner under Section 311 Cr.P.C. to cross examine the respondent as P.W.1 herein. On perusal of the records, the respondent lodged a complaint as against the petitioner for the offence punishable under Section 138 of Negotiable Instrument Act and P.W.1 namely the respondent herein was examined and the evidence was closed on 21.11.2019.

2.The learned counsel appearing for the petitioners would submit that on the date of chief examination of P.W.1 i.e. on 21.11.2019, the learned counsel for the petitioners before the trial Court was not well and he could not able to cross examine the P.W.1 on the date of chief examination. Therefore, he filed a petition under Section 311 Cr.P.C to cross examine PW.1. In fact, the respondent represented through his counsel and endorsed the petition as "may be allowed with the conditional order".

3.Considering the above facts and circumstances, these petitioners may be given one more opportunity to cross examine the P.W.1. Accordingly, this Crl.Original Petition is allowed

and the order passed by the Judicial Magistrate, Thiruvottiyur, Chennai, is set aside. This petitioners are permitted to cross examine the P.W.1 on payment of necessary costs. If the petitioners failed to cross examine on the date of cross examination of P.W.1, the trial Court is directed to proceed this matter further in accordance with law.

Sd/-
Assistant Registrar (CCC)

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Sub Assistant Registrar

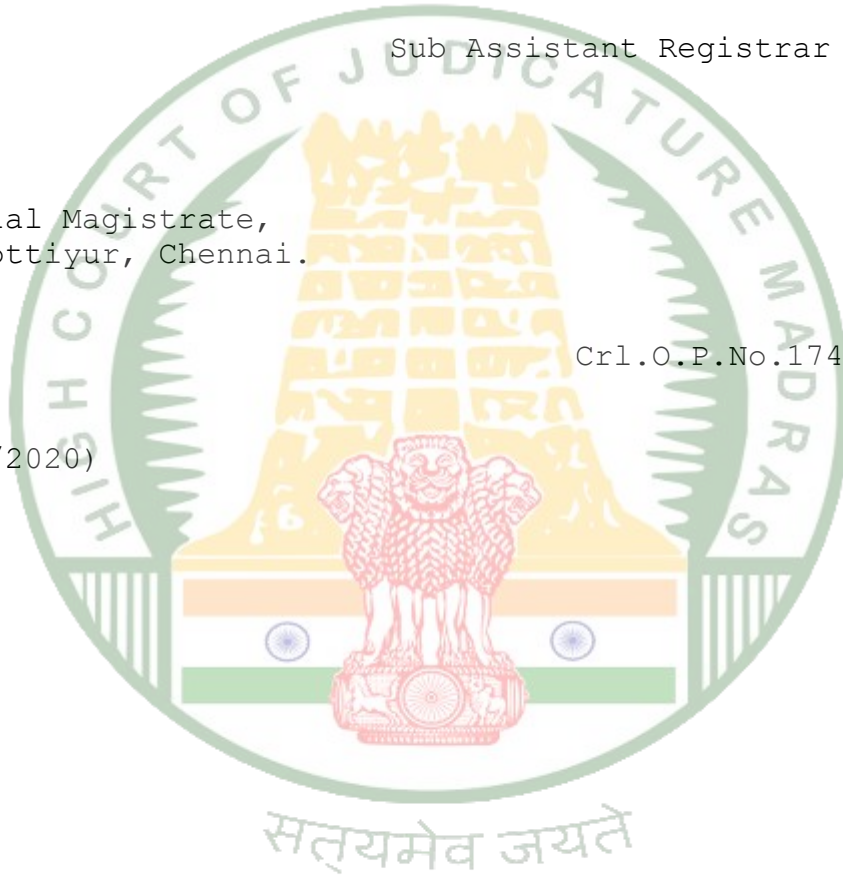
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To

The Judicial Magistrate,
Thiruvottiyur, Chennai.

Cr1.O.P.No.1744 of 2020

BR (CO)
GMY (09/09/2020)



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