

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2223 of 2020
and
Crl.M.P.No.1395 of 2020

1.Madhu P. Desai
2.NSEL Aggrieved and Recovery Association (NAARA)
Represented by its Trustees.

...Petitioners/Respondents/Accused

-Vs-

M/s. Financial Technologies (India) Limited
Represented by its Authorised Signatory
Mr.John Deepak

... Respondent/Petitioner/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, call for the records and set aside the order passed by the XIV Metropolitan Magistrate at Egmore Chennai dated 06.12.2019 passed in Crl.M.P.No.10575/2019 in C.C.No.3023 of 2016.

For Petitioners : Mr.L.Murali Krishnan

For Respondent : Mr.Nithyesh Nataraj

ORDER

This petition has been filed challenging the order passed in Crl.M.P.No.10575 of 2019 in C.C.No.3023 of 2016 on the file of the XIV Metropolitan Magistrate, Egmore, Chennai dated 06.12.2019, thereby allowing the petition filed by the respondent under Section 311 of Cr.P.C., to re-examine PW-1.

2. The learned counsel for the petitioners submitted that already PW-1 has been examined and cross examination was also completed. Only to fill up the lacunae of the cross examination of the PW-1, the present petition has been filed to recall PW-1

for cross examination. He also submitted that on an earlier occasion, the complainant filed a petition before this Court in CrI.O.P.No.21732 of 2019 praying for speedy disposal of the trial and this Court by order dated 13.08.2019 has allowed the said petition and as such the Trial Court allowed CrI.M.P.No.10575 of 2019 by order dated 06.12.2019.

3. The complaint was filed by the respondent for the offences under Sections 499, 500 and 501 of I.P.C. The respondent was examined as PW-1 on 12.11.2018. Thereafter, the respondent filed an application under Section 311 of Cr.P.C., to recall PW-1 for the reasons that during the cross examination of PW-1, several questions concerning the content of the documents, even without consenting the witness of such documents, PW-1 was cross examined. Therefore, there is lack of clarity, which may have a bearing on the just relation making cause in the present case.

4. Considering the above facts and circumstances, this Court finds no infirmity or irregularity on the order passed by the Trial Court. Therefore, recalling of PW-1 for re-examination and further examination was dismissed. However, the Trial Court is directed to complete the trial within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

smv

To,

The XIV Metropolitan Magistrate, Egmore, Chennai.

+1cc to M/s.Ojas Law Firm, Advocate, Sr.No.19146

+1cc to M/s.Nithyesh & Vaibhav, Advocate, Sr.No.19984

CrI.O.P.No.2223 of 2020

BR(CO)
GS(08/06/2020)