

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2714 of 2020
and
Crl.M.P.No.1627 of 2020

D.Selvarani ...Petitioner/Accused

-Vs-

M.S.Udayakumar ...Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, against the order of the XVI Additional Judge, City Civil Court, Chennai in Crl.M.P.No.23278 of 2019 in C.A.No.46 of 2018 on 20.11.2019.

For Petitioner : Ms.R.Nasrine

ORDER

This petition has been filed challenging the order passed in Crl.M.P.No.23278 of 2019 in C.A.No.46 of 2018 on the file of the XVI Additional Judge, City Civil Court, Chennai, thereby dismissing the application filed by the petitioner under Section 311 of Cr.P.C.

2.Heard Ms.Nasrine learned counsel for the petitioner.

3.It is seen that the petitioner is an accused. In the complaint initiated by the respondent under Section 138 of Negotiable Instruments Act in C.C.No.10984 of 2014. The Trial Court convicted the petitioner. Aggrieved by the same, the petitioner filed an Appeal in C.A.No.46 of 2018. While pending the Appeal, the petitioner filed a petition in Crl.M.P.No.23278 of 2019 under Section 311 of Cr.P.C to recall the PW-1 in C.C.No.10984 of 2014 for cross examination. An appeal was filed in the year 2018 and after a period of one year, the petitioner filed this petition under Section 311 of Cr.P.C., to recall the PW-1.

4.Even pending the trial, the petitioner has been fully cross examined as PW-1 and after considering the evidence of PW-1, the Trial Court convicted the petitioner for the offence under Section 138 of Negotiable Instrument Act. Now that too after lapse of several years, the present petitioner has filed this petition to recall the PW-1 for cross examination. It is nothing, but a clear abuse of process of law and the First

Appellate Court has directly dismissed the petition.

5. Therefore this Court finds no merits in this petition and there is absolutely nothing warranted to interfere with the order passed by the First Appellate Court. Therefore, this petition is dismissed. Consequently, the connected miscellaneous petition is closed. However, the Appellate Court is directed to dispose of the appeal within a period three months from the date of receipt of a copy of this order.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

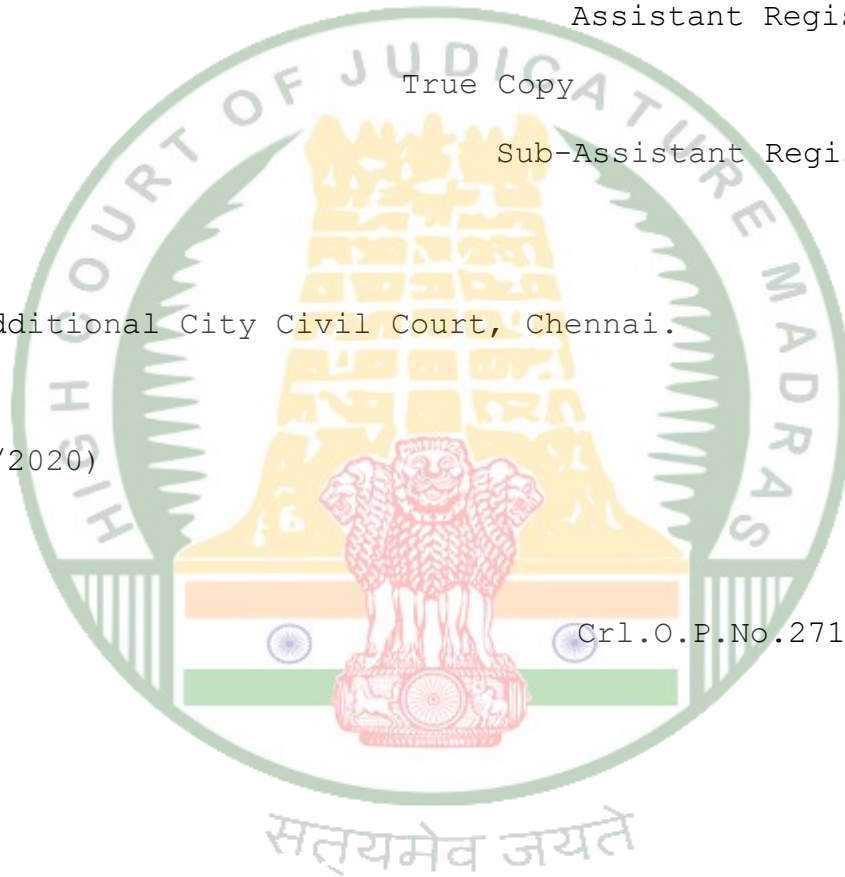
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To

The XVI Additional City Civil Court, Chennai.

RSK (CO)
rli (22/05/2020)

Cr1.O.P.No.2714 of 2020



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