

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 7685 of 2018
and Crl.M.P. No.3957 of 2018

M.C.Subramaniam

... Petitioner

Vs.

S.Dhanalakshmi

.... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order dated 26.02.2018 made in C.M.P. No.1047 of 2018 in S.T.C. No.381 of 2012 on the file of the learned Judicial Magistrate/Fast Track Court No.I, Erode.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.I.C.Vasudevan

O R D E R

This Criminal Original Petition has been filed challenging the order passed in C.M.P. No.1047 of 2018 in S.T.C.No.381 of 2012 on the file of learned Judicial Magistrate Fast Track Court No.1, Erode, thereby dismissing the petition filed by the petitioner under Section 311 of Crl.P.C. for further cross-examination of expert witness.

2. It is seen that the respondent has filed a complaint for an offence punishable under Section 138 of Negotiable Instruments Act in S.T.C. No.381 of 2012. Thereafter, the signature found in the cheque was disputed by the petitioner and as such, the impugned cheque in the complaint was sent for handwriting expert opinion. Thereafter, the expert filed his report stating that the signature found in the cheque was compared with the admitted signature and found that signature found in the cheque is one among the same. In this regard, he was examined in chief and he was also fully cross-examined by the petitioner/accused herein. Being not satisfied with the first cross-examination, again, the petitioner has filed another application to recall the expert witness for further examination. It was dismissed for the reason that the complaint itself is pending for more than five years and as such, only to drag on the proceedings, the present petition has been filed and as such, it was dismissed by the Trial Court.

3. On perusal of records, it is seen that the criminal case is of the year 2012 and the expert witness was cross-examined even as early as in the year 2018. Thereafter, the petitioner cannot be permitted for further cross-examination, for the reason that some of the questions are left out. Therefore, the Trial Court has rightly dismissed the petition filed by the petitioner under Section 311 of CrI.P.C. Therefore, this Court finds no infirmity or illegality in the order passed by the Trial Court. Accordingly, this Criminal Original Petition is dismissed. However, the Trial Court is directed to complete the trial within a period of three months from the date of receipt of the copy of this order. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-)

True Copy

Sub-Assistant Registrar

To
The Judicial Magistrate,
Fast Track Court No.I
Erode.

Ks(co)
krd 18/8

CRL.O.P. No. 7685 of 2018

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