

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.07.2020
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No. 5564 of 2020

Sampath

...Petitioner

-Vs-

Gowsalya

... Respondent

Prayer: Criminal Original petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 18.02.2020 passed by the Judicial Magistrate No.II, Namakkal in CMP.No.263 of 2020 in CC.No.132 of 2019 on the file of the Judicial Magistrate No.II, Namakkal.

For Petitioner : No appearance

For Respondent : No appearance

O R D E R

This Criminal Original Petition has been filed to set aside the order dated 18.02.2020 passed by the Judicial Magistrate No.II, Namakkal in CMP.No.263 of 2020 in CC.No.132 of 2019 on the file of the Judicial Magistrate No.II, Namakkal.

2. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act. The respondent was examined as PW1 on 20.01.2020. The petitioner could not cross examine PW1 since his counsel fell ill and the matter was adjourned for cross-examination of PW1. Even on that date, PW1 was not cross examined by the petitioner herein. Thereafter, the petitioner filed this petition under Section 311 of Cr.P.C., to recall PW1 for cross examination. It is seen that PW1 was not at all cross examined by the petitioner herein.

3. Considering the facts and circumstances of the case, this Court feels that the petitioner may be given one more opportunity to put fourth his defence. Accordingly, the order dated 18.02.2020, passed by the learned Judicial Magistrate No.II, Namakkal in C.M.P.No.263 of 2020 in C.C.No.132 of 2019,

is hereby set aside and the petitioner is permitted to cross examine P.W.1 on the next hearing date by payment of necessary charges. If the petitioner failed to cross-examine P.W.1, the trial Court is directed to proceed with trial in accordance with law.

4. With the above directions, this Criminal Original Petition is allowed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

gv

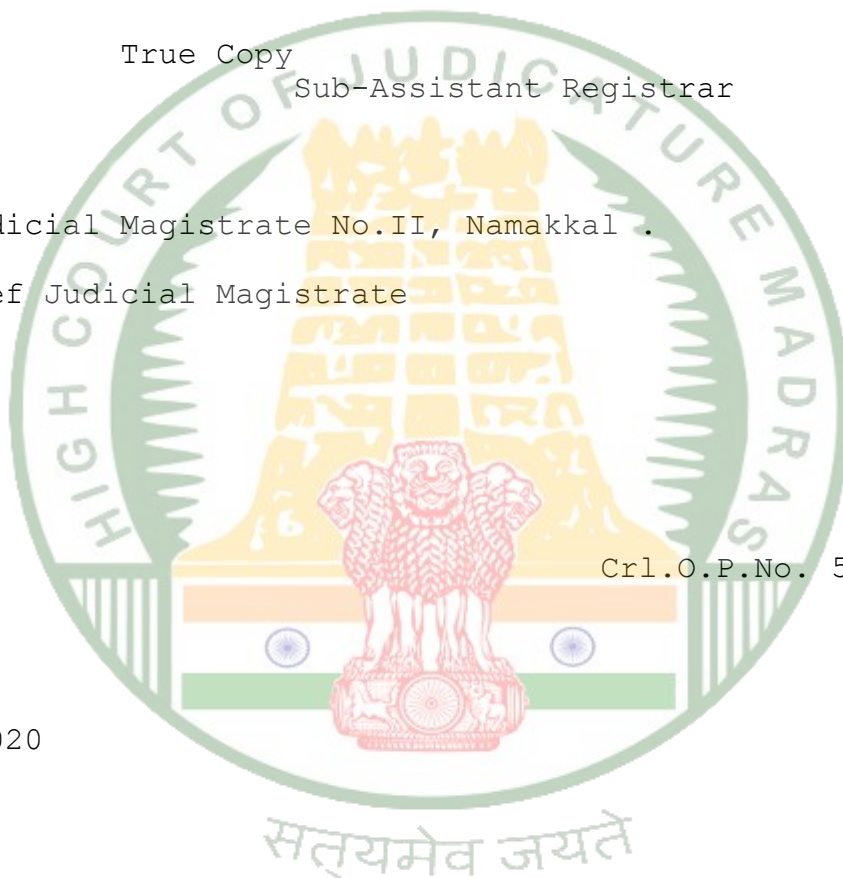
To

1.The Judicial Magistrate No.II, Namakkal .

2.The Chief Judicial Magistrate
Namakkal

Crl.O.P.No. 5564 of 2020

vsnII(co)
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