

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6130 of 2020  
and  
Crl.M.P.No.3433 of 2020

A.Anandan ... Petitioner/Petitioner/Accused

Vs.

K.Jagadeeswaran ... Respondent/Respondent/Complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to set aside the order dated 19.02.2020 passed in C.M.P.No.475 of 2020 in S.T.C.No.373 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court No.I, Erode.

For Petitioner : Mr.S.Veera Raghavan

For Respondent : No Appearance

O R D E R

This petition has been filed challenging the order in C.M.P.No.475 of 2020 in S.T.C.No.373 of 2018 on the file of the learned Judicial Magistrate, Fast Track Court No.I, Erode.

2. On perusal of records, the petitioner is an accused on the complaint lodged by the respondent in S.T.C.No.373 of 2018 for the offences under Section 138 of N.I. Act.

3. The respondent was examined as PW1 and several opportunities were given to the petitioner to cross-examine PW1. Even then, the petitioner did not cross-examine PW1 and as such, questioning was also over under Section 313 of Cr.P.C. Therefore, while the matter was posted for defence witness, the petitioner filed petition in C.M.P.No.5436 of 2019 under Section 311 of Cr.P.C., for cross examination of PW1. The said petition was allowed by the trial court on 14.10.2019. Even then, on several hearings, the petitioner was given opportunity to cross-examine PW1. Instead cross-examine PW1, the petitioner has filed the petition under Section 319 of Cr.P.C., and took time on several occasions. Thereafter, the trial court closed the evidence of complainant's side. Thereafter, at the fag end of the trial, the petitioner has

filed the petition under Section 311 of Cr.P.C., to re-open and re-call PW1.

4. Considering the above facts and circumstances, the trial court has rightly dismissed the petition filed by the petitioner. This Court also finds no infirmity or illegality in the order passed by the trial Court and accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

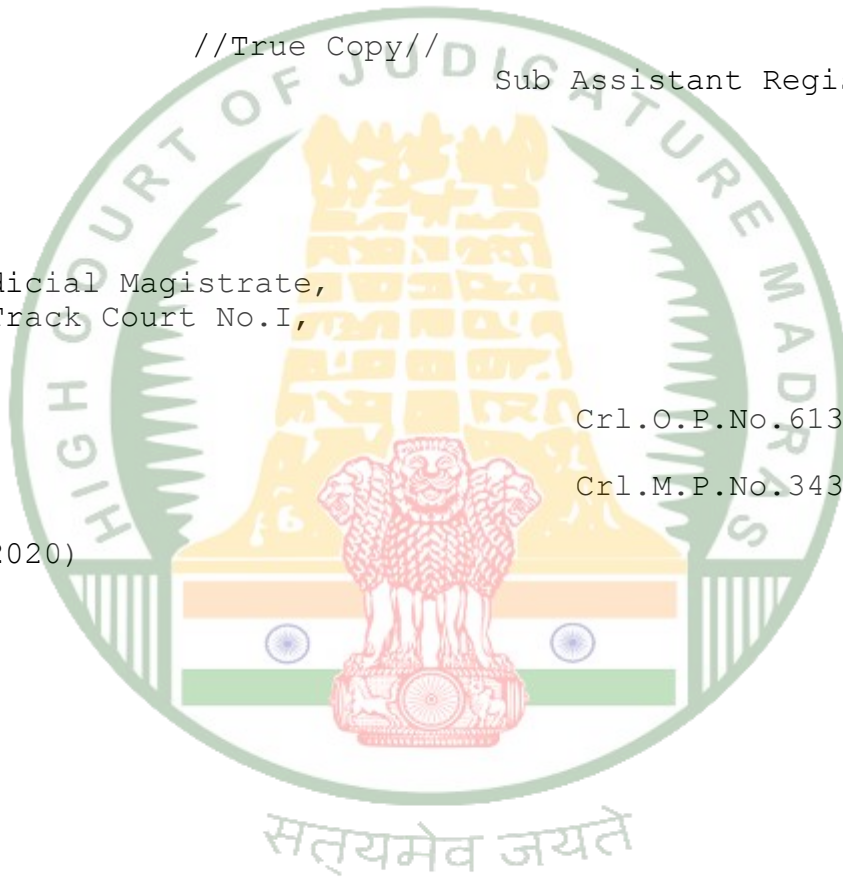
ssn

To

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

VS (CO)  
CB(30/09/2020)

Cr1.O.P.No.6130 of 2020  
and  
Cr1.M.P.No.3433 of 2020



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