

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.9343 of 2019
and Crl.M.P.No.4937 of 2019

Sri. Kuldip Singh
S/o.Sri Rachpal Singh
No.359, D-7, 4th Main Road,
MKB Nagar, Vyasarpadi,
Chennai-600 039.

... Petitioner

Vs

DCB Bank Ltd.,
(Formally known as Development Bank Ltd.,)
Having its office at No.6, Rajaji Road,
First Floor, Nungambakkam,
Chennai-600 004.
by its Senior Manager
Sri.Sunil B Shankar

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in Crl.R.C.No.36 of 2018, dated 18.02.2019, on the file of the Hon'ble Principal Sessions Judge, Chennai, and confirming the order in Crl.M.P.No.3064 of 2018, in C.C.No.2792 of 2016, dated 24.07.2018, on the file of the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai and set aside the same by allowing this Criminal Original Petition filed by the petitioner.

For Petitioner : Mr.B.R.Shankaralingam

For Respondent : Mr.G.Vijay Anand
(No Appearance)

ORDER

This petition has been filed challenging the order passed in Crl.R.C.No.36 of 2018 dated 18.02.2019 on the file of the Principal Sessions Court, Chennai thereby confirming the order passed in Crl.M.P.No.3064 of 2018 in CC.No.2792 of 2016 dated 24.07.2018 on the file of the learned Metropolitan Magistrate-IV, Fast Track Court, George Town, thereby dismissing the petition filed by the petitioner under section 311 Cr.P.C to recall P.W.1.

2. Against the petitioner/accused, in CC.No.2792 of 2016 has been lodged by the respondent for the offences punishable under section 138 of Negotiable Instrument Act. The complainant was examined on 07.09.2017. Thereafter, at request of the petitioner/accused the matter was adjourned on several occasions for cross examination of P.W.1. On 05.03.2018 the P.W.1 was partly cross examined again it was adjourned for further cross examined to 12.03.2018. On the said date, the cross examination of P.W.1 was completed and 313 Cr.P.C questioning is also over and the matter was posted for defence evidence.

3. At that juncture, again the petitioner/accused filed petition to recall the P.W.1 for cross examination. The said petition was dismissed by the trial Court by stating all the reasons. Aggrieved by the same, the petitioner also filed petition in CrI.R.C.No.36 of 2018 and the same was also dismissed by order dated 18.02.2019, confirming the order passed by the trial Court.

4. On perusal of records, it is seen that already the petitioner cross examined the P.W.1 and the matter was posted for defence evidence. Therefore, the petition filed by the petitioner is nothing but only to drag on the proceedings. Further, already revisional Court also dismissed the revision and confirmed the order passed by the trial Court. In such circumstances, this Petition amounts to two revision and it cannot be entertained under section 482 Cr.P.C. Hence, this Criminal Original Petition is devoid of merits. Accordingly this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

5. Further, the CC is of the year 2016 and as such the Trial Court is directed to complete the trial within a period of three months from the date of receipt of a copy of this order if not completed.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

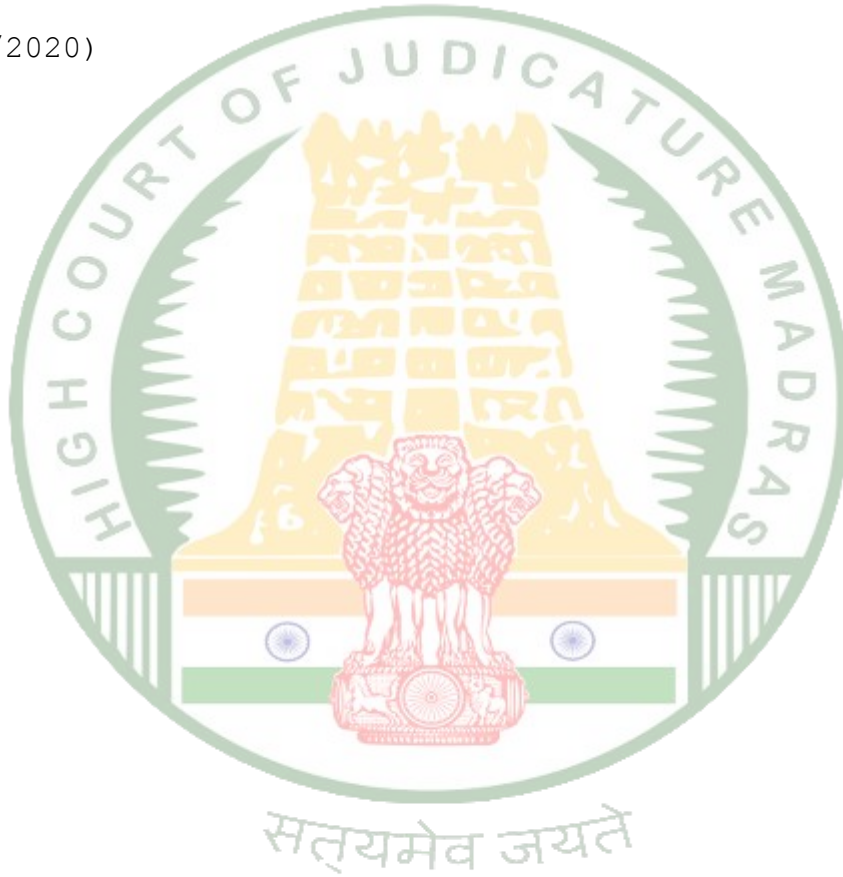
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To

1. The learned Principal Sessions Judge, Chennai.
2. The learned Metropolitan Magistrate, Fast Track Court-IV,
George Town, Chennai.
3. The Public Prosecutor, High Court, Madras.

CRL.O.P.No.9343 of 2019
and Crl.M.P.No.4937 of 2019

SVI (CO)
GMY (08/09/2020)



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