

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos .10363 & 10368 of 2019

and

Crl.M.P.Nos.5356 & 5358 of 2019 in Crl.O.P.No.10363/2020
and Crl.M.P.Nos.5361 & 5363 of 2019 in Crl.O.P.No.10368/2020

Anand Nahar ... Petitioner in both Crl.O.Ps

Vs.

Sandeep Bothra ... Respondent in
Crl.O.P.No.10363/2019

Gagan Bothra ...Respondent in
Crl.O.P.No.10368/2019

PRAYER in Crl.O.P.No.10363/2020: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crl.M.P.No.9617 of 2018 in C.C.No.1331 of 2015 pending on the file of the Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai and set aside the order of dismissal of the petition filed by the petitioner/accused under section 311 of Cr.P.C dated 25.03.2019 and permit the petitioner to cross examine the respondent/complainant and consequently direct the trial Court to allow the petition filed by the petitioner/accused under Section 311 of Cr.P.C.

PRAYER in Crl.O.P.No.10368/2020: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in Crl.M.P.No.9614 of 2018 in C.C.No.1330 of 2015 pending on the file of the Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai and set aside the order of dismissal of the petition filed by the petitioner/accused under section 311 of Cr.P.C dated 25.03.2019 and permit the petitioner to cross examine the respondent/complainant and consequently direct the trial Court to allow the petition filed by the petitioner/accused under section 311 of Cr.P.C.

For Petitioners
in both Crl.O.Ps : Mr.M.Kempuraj

For Respondent : Mr.Gagan Bothra
Party in person for both Crl.O.Ps

C O M M O N O R D E R

This Petition has been filed challenging the order passed in Crl.M.P.No.9617 of 2018 in CC.No.1331 of 2015 by an order dated 25.03.2019 on the file of the Metropolitan Magistrate-IV, Fast Track Court, George Town, Chennai, thereby dismissing the petition filed by the petitioner under section 311 Cr.P.C.

2.The learned Additional Public Prosecutor would submit that the petitioner is an accused in CC.No.1331 of 2015, initiated for the offence under section 138 of N.I.Act by the respondent herein. The CC is of the year 2015, the respondent/defacto complainant filed his proof affidavit as early as on 09.05.2018 and the matter was adjourned repeatedly for cross examination of P.W.1 even then the petitioner/accused did not used to cross examine P.W.1. Thereafter, section 313 Cr.P.C questioning was also over and the matter was posted for defence witnesses. Even then the petitioner/accused took several times for his evidence. Thereafter, the matter was posted for arguments. At that stage, the petitioner/accused filed the petition under section 311 Cr.P.C to cross examine P.W.1. The petition filed by the petitioner under section 311 is nothing but only to drag on the proceedings since the complaint is pending from the year 2015. That apart, the petition filed at the stage of arguments and as such the trial Court rightly dismissed the petition.

3.Therefore, this Court does not find any illegality or infirmity in the order passed by the trial Court. Accordingly, these Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

4.Further, 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.

Sd/-

Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

mpa

To

1.The Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai.

2.The Public Prosecutor,
High Court, Madras.

CrI.O.P.Nos .10363 & 10368 of 2019

BR(CO)
GMV(09/09/2020)



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