

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.2469 of 2021

Joel

.. Petitioner

Vs.

Vinith

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order made in CMP.No.3025 of 2020 in CC.No.442/2018 dated 28.12.2020 on the file of the learned Judicial Magistrate, Fast Track court-I, (Magistrate Level) Coimbatore.

For Petitioner : Mr.M.N.Balakrishnan

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed by the petitioner to recall PW1 for further cross-examination.

2. The respondent has filed a complaint against the petitioner for an offence under Section 138 of the Negotiable Instruments Act. It is seen from records that the respondent examined himself as PW1 on 29.08.2019. Thereafter, a recall petition was filed by the petitioner and the same was allowed and PW1 was partly cross-examined on 12.02.2020. Thereafter, PW1 was again cross examined elaborately on 12.03.2020. The evidence was closed thereafter and Section 313 Cr.P.C. questioning was also completed and the case is now at the stage of final arguments. At this point of time, the petitioner filed yet another application to recall PW1 for further cross-examination. This Application was dismissed by the Court below. Aggrieved by the same, the present petition has been filed before this Court.

3. Heard Mr.M.N.Balakrishnan, learned counsel for the petitioner.

4. In the considered view of this Court, the Court below has

given cogent reasons for dismissing the application and this Court does not find any illegality or infirmity in the order passed by the Court below. The petitioner was given sufficient opportunity to cross examine PW1 and the Cross-examination has been conducted in a detailed manner even on an earlier occasion. This Court does not find any ground to interfere with the order passed by the Court below.

5. In the result, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in CC.No.442 of 2018 within in a period of three months from the date of receipt of a copy of this order.

11.02.2021

Index :Yes/No

Internet:Yes/No

Speaking/Non speaking order

rli

N. ANAND VENKATESH,J

rli

To

The Judicial Magistrate,
(FTC-I) Magistrate Level,
Coimbatore.



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