

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.5748 of 2021

Shanker

..Petitioner

Vs.

Muthukumar

..Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to set aside the order made in CMP No.418 of 2021 in STC.No.2069 of 2016 dated 09.02.2021 on the file of the learned Judicial Magistrate No.II, Pollachi.

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 PW-1 for further cross-examination.

2.The respondent has filed a complaint against the petitioner for offence under Section 138 of the Negotiable Instruments Act. The respondent was examined as PW-1 and he has been subjected to cross examination at least on three occasions by the petitioner. After the evidence was completed on the side of the respondent, the petitioner was also questioned under Section 313(1)(b) Cr.P.C. on 08.05.2019.

3. At this stage the petitioner has filed an application to recall PW-1 for further cross examination on the ground that certain important questions with regard to the property and the income was not put to PW-1 when he was cross examined during the earlier occasions. This application was dismissed by the Court below by an order dated 09.02.2021. Aggrieved by the same, the present petition has been filed before this Court.

4.Heard the learned counsel for the petitioner.

5.This Court has carefully considered the submissions made by the learned counsel for the petitioner and also the materials available on record.

6.In the considered view of this Court, the complaint is of the year 2016 and the petitioner has cross examined the respondent at least on three earlier occasions and the petitioner has been given sufficient opportunity. This Court does not find any illegality or infirmity in the order passed by the Court below and there are no grounds to interfere with the same.

7.In the result, this criminal original petition is dismissed and there shall be a direction to the Court below to complete the proceedings in STC.No.2069 of 2016, within a period of two months from the date of receipt of copy of this order.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

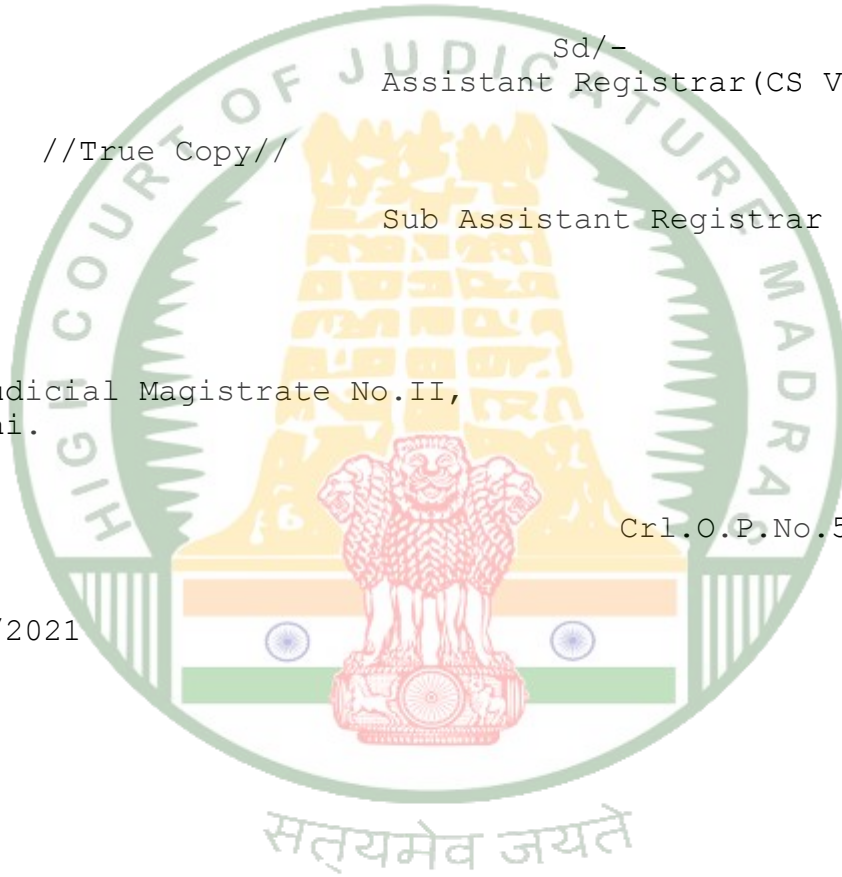
ssr

To

1. The Judicial Magistrate No.II,
Pollachi.

Crl.O.P.No.5748 of 2021

SSN(CO)
KKV/21/06/2021



WEB COPY