

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8612 of 2021

and

Crl.M.P.No.5657 of 2021

Uthirapathy

...Petitioner/Petitioner/Accused

Vs.

Balasubramanian

...Respondent/Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records relating to the proceedings of the order in C.M.P.No.397 of 2021 in STC.No.1644 of 2015 on the file of the Judicial Magistrate No.1, Jeyamkondam, Cuddalore District and set aside the same.

For Petitioner : M.Senthilkumar

ORDER

Heard the learned counsel appearing for the petitioner. The petitioner is facing trial for the offences under Section 138 of the Negotiable Instruments Act in STC.No.1644 of 2015 on the file of the Judicial Magistrate No.1, Jeyamkondam.

2.The petitioner had filed a petition under Section 311 of Cr.P.C., seeking permission to examine the witnesses mentioned in the petition. The said petition was dismissed by the impugned order dated 24.03.2021. Questioning the same, this Criminal Original Petition has been filed.

3.The learned counsel appearing for the petitioner reiterated the contentions set out in the affidavit filed in support of the Criminal Original Petition. The learned counsel appearing for the petitioner drew my attention to the compromise memo filed in C.A.Nos.14 and 15 of 2018 on the file of the III Additional District Court, Virudhachalam. The learned counsel states that he would cross-examine all the three witness on any day that may be fixed by the Court.

4.I am not impressed by the submissions made by the learned counsel appearing for the petitioner. The complaint was filed way back in the year 2015. The petitioner had already filed a quash petition before this Court and the same was also dismissed way back on 23.07.2019. The petitioner had filed a petition for sending the signature for the opinion of the handwriting expert and the same was also dismissed. Challenging the same, Crl.R.C.No.1093 of 2019 was filed before this Court and the same has also been dismissed on 11.11.2019. While dismissing the Criminal Revision, this Court had directed the

learned Judicial Magistrate No.1, to complete the trial as expeditiously as possible.

5.Before the Court below, the complainant had pointed out that on 25.11.2019, a reopen petition was filed and the same was also allowed and on 11.02.2020, the accused submitted a fresh list of witnesses and those witnesses were also examined and cross-examined. Hence, filing one more petition under Section 311 of Cr.P.C appears to be only to drag on the proceedings.

6.The Court below had given convincing reasons for dismissing the petition filed by the petitioner. I don't find any ground to interfere with the same. This Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:-

The Judicial Magistrate No.I,
Jeyamkondam,
Cuddalore District

+1 cc to M/s.M.Senthil Kumar, SR.No.27189

Cr1.O.P.No.8612 of 2021

SSN(CO)
NS(13/05/2021)

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