



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.13595 of 2021
and
CrI.M.P.No.7446 of 2021

Venkatesan

...Petitioner

Vs.

K.Kaveri

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to set aside the order passed by the Learned Fast Track Magistrate Court in C.M.P.No.1430 of 2021 in C.C.No.282 of 2017 and set aside the same.

For Petitioner : Mr.S.Ravichandran

ORDER

The petitioner, who is an accused in C.C.No.282 of 2017, has filed this petition to set aside the order passed in CMP. No.1430 of 2021 in C.C.No.282 of 2017 dated 20.04.2021.

2.The contention of the learned counsel for the petitioner is that the respondent projected a case as though the petitioner had borrowed a sum of Rs.10,00,000/- and promised that he would pay interest at 24% per month and repay the borrowed amount within six months. Thereafter, he failed to do so. Hence, issued a cheque.

3.The further contention of the learned counsel for the petitioner is that the petitioner never borrowed any such amount. The respondent falsely implicated the petitioner in this case. Further, the petitioner filed a petition under Section 311 Cr.P.C. which was allowed and also filed a petition under Section 315 Cr.P.C. he had examined himself as DW1 and for further examination of DW2, the case was adjourned from 21.03.2019 to 29.03.2021. On 19.11.2020, the lower Court closed the petition after giving several opportunities to examine DW2.



4. From the perusal of the typed set and the order of the lower Court, this Court finds that the petition under Section 311 Cr.P.C. as rightly found by the trial Court, has got nothing to show which are the witness to be examined whether PW1 or DW1. Further, for what purpose, the witness to be examined and no particulars have been given. Finding that C.C. is of the year 2017, the petitioner filed these petitions to drag on the proceedings. Hence, the lower Court had dismissed the petition, posted the case for arguments. This Court finds no reason to interfere with the finding of the lower Court. Accordingly, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sms

To

1. The Judicial Magistrate,
Fast Track Court, (Magisterial Level)
Ambattur.
2. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.13595 of 2021
and
CrI.M.P.No.7446 of 2021

RSI (CO)
LS(01/10/2021)