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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.18273 OF 2021

AND

CRL.M.P.NO.10028 OF 2021

C.Manojkumar

... Petitioner/Accused

Versus

P.Dhamotharan

... Respondent/Complainant

PRAYER:-

This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to set aside the order dated 03.03.2021 made in CMP No.1641 of 2020 in STC No.366 of 2018 on the file of Judicial Magistrate, Fast Track Court No.I, Erode.

For Petitioner : Mr.P.Saravana Sowmiyan

O R D E R

This petition has been filed to set aside the order dated 03.03.2021 made in CMP No.1641 of 2020 in STC No.366 of 2018 on the file of Judicial Magistrate, Fast Track Court No.I, Erode.

2. The petitioner is arrayed as accused in S.T.C.No.366 of 2018 on the file of the Judicial Magistrate, Fast Track Court No.I, Erode for the offence punishable under Section 138 r/w. 142 of Negotiable Instruments Act.

3. It is the case of the petitioner that on 11.02.2020, when the case was posted for the cross examination of the respondent/PW1, the petitioner, filed a memo before this Court to refer the case to mediation, however mediation failed. Thereafter, since the documents produced by the respondent/complainant were required to be perused and also to collect the supporting documents to defend the case, he was unable to cross-examine PW1. Hence, he prayed this petition to recall PW1.



4. The learned counsel for the respondent submitted that the petitioner failed to cross examine PW1 by giving one reason or another. This petition is filed only to drag on the proceedings. Hence, this petition may be dismissed.

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5. At this stage, the learned counsel for the petitioner made an undertaking that the petitioner is ready to deposit a sum of Rs.30,000/- within a period for one week and hence, this petition may be allowed.

6. Heard both sides and perused the materials available on record.

7. Considering the facts and circumstances of the case and the undertaking of the learned counsel for the petitioner, this Court directs the petitioner to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) within a period of one week from the date of receipt of a copy of this order to the credit of STC.No.366 of 2018. In the event if petitioner succeeds the case, the amount would be returned to him.

8. With the above directions, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dna/drm

To

The Judicial Magistrate,
Fast Track Court No.I,
Erode.

+1cc to Mr.P.Saravana Sowmiyan, Advocate, S.R.No.53009

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SJ(CO)
PBS/20/10/2021