

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.20215 of 2020

K.Shanmugasundaram

..Petitioner

.Vs.

Mr.T.Kannan

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order made in C.M.P.No.227 of 2020 dated 03.12.2020, on the file of the learned XX Metropolitan Magistrate, Egmore at Allikulam, Chennai.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : No Appearance

O R D E R

This Criminal Original Petition has been filed challenging the order passed by the Court below dismissing the application filed by the petitioner u/s 311 of Cr.P.C., for recall and examination of defence witness.

2.The petitioner is facing trial for an offence under Section 138 of the Negotiable Instruments Act. It is seen from records that the complaint was filed in the year 2017 and PW-1 was cross examined by the petitioner extensively. Thereafter inspite of granting sufficient time of six months, the petitioner failed to give the list of defence witness and hence the evidence was closed by the Court below on 12.11.2019. It is also seen from records that the petitioner absented himself and a non bailable warrant was issued and later it was recalled on 23.10.2020. The complainant had also filed the written arguments. At that stage, the application came to be filed by the petitioner to reopen and examine defence witnesses.

3.This Court does not find any illegality or infirmity in the order passed by the court below and the court below has given sufficient reasons to dismiss the application filed by the petitioner under Section 311 of Cr.P.C. There are

absolutely no grounds to interfere with the order passed by the court below.

4.In the result, this criminal original petition is dismissed and the court below is directed to complete the proceedings in C.C.No.2777/2017, within a period of three months from the date of receipt of copy of this order.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

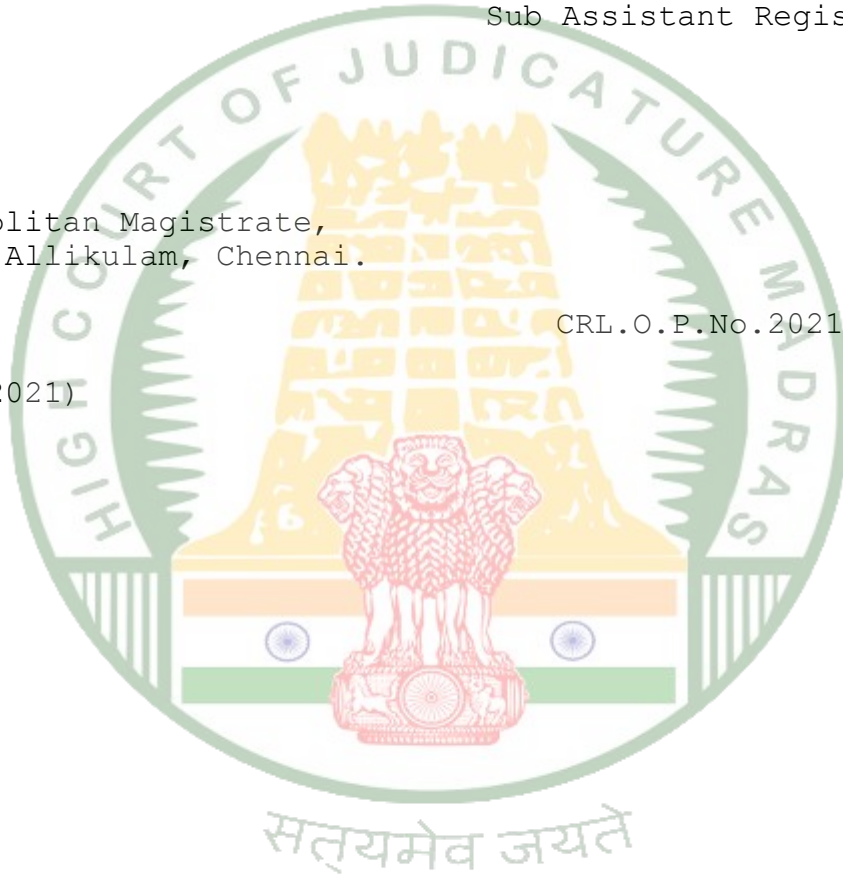
KP

To

XX Metropolitan Magistrate,
Egmore at Allikulam, Chennai.

CRL.O.P.No.20215 of 2020

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CB(01/02/2021)



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