



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2021

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGOVAN

Crl.O.P. (MD) .No.12432 of 2021

WEB COPY

Mukilan

.. Petitioner

Vs.

Karthikeyan

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and set aside the order of dismissal dated 17.04.2021 passed in petition filed under Section 311 Cr.P.C. by the Judicial Magistrate, Aruppukottai made in Cr.M.P.No.8983 of 2019 in C.C.No.198 of 2015.

For Petitioner : Mr.V.Santhakumaresan

ORDER

(This writ petition is heard through video conference)

This Criminal original petition has been filed to set aside the order of dismissal dated 17.04.2021 passed in petition filed under Section 311 Cr.P.C. by the Judicial Magistrate, Aruppukottai made in Cr.M.P.No.8983 of 2019 in C.C.No.198 of 2015.

2.The petitioner is facing charges under Section 138 of Negotiable Instruments Act before the trial Court, which was filed in 2015. The order passed by the trial Court shows that this petitioner already filed Cr.M.P.No.5775 of 2018, which was partly allowed and against which, no revision or other proceedings undertaken. The Cr.M.P.No.8983 of 2021 has been filed to reopen the defence side evidence and recall the witnesses mentioned in the petition. On that ground, it was dismissed by the trial Court. Since the earlier application has been allowed partly, the petitioner has to take steps based upon the above order. But without taking steps in pursuance of the above said order, filed a second recall petition, which is not at all maintainable.

3.Considering the conduct of the petitioner, this Court is not inclined to entertain this petition. However, the petitioner is at liberty to approach the trial Court seeking appropriate relief in this aspect with respect to the order passed in Cr.M.P.No.5775 of 2018.



4.with the above liberty, this criminal original petition is dismissed.

Sd/-

Assistant Registrar (CS I)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate, Aruppukottai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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31.08.2021

KMV(CO)

SB(16.09.2021) 2P 3C