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Crl.O.P.(MD)No.20247 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.20247 of 2021

and

Crl.M.P. (MD)No.11471 of 2021

Bala Chenniappan

... Petitioner/Petitioner/Respondent

Vs

Jeyakrishnan

... Respondent/Respondent/Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to set aside the order passed in Cr.M.P.No.1565 of 2021 in S.T.C.No.643 of 2016 on the file of the District Munsif Court cum Judicial Magistrate Court, Peraiyur dated 01.10.2021.

For Petitioner : Mr.K.R.Manimaran

ORDER

Heard the learned counsel for the petitioner.

2. The petitioner is facing trial for the offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.643 of 2016 on the file of the Judicial Magistrate, Peraiyur.

3. It is seen that P.W.1 and P.W.2 were examined in chief in 2018 itself. On 21.09.2019, the matter was posted for argument. The petitioner filed a recall petition on 10.06.2019 and the same was allowed. On 07.11.2021 and 14.02.2020, P.W.1 and P.W.2 were cross examined. Thereafter, a second recall petition was filed and also allowed. On 18.03.2021, P.W.1 and P.W.2 were cross examined. Not satisfied with the same, the petitioner filed a third recall petition. It is this that was dismissed by the impugned order.

4. Though the learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds, I am not persuaded. The court below had rightly held that when two of the previous recall petitions were allowed and P.W.1 and P.W.2 were also cross examined, the question of filing a third recall petition does not arise. No ground for interference has been made out.



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5. This Criminal Original Petition is dismissed.
Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

rmi

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

The District Munsif Court cum Judicial Magistrate Court,
Peraliyur.

+1 CC to M/s.K.R.MANIMARAN, Advocate (SR-39728[F] dated
21/12/2021)

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PS (CO)

KB(28.01.2022) 2P 3C