



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.No.9111 of 2022
and Crl.M.P.No.5301 of 2022

Muthulakshmi

... Petitioner/Petitioner/
Accused

Vs.

The Branch Head,
IDBI Bank,
Neelamangalam Branch,
Kallakurichi District.

... Respondent/Respondent/
Complainant

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the order dated 23.12.2021, passed in C.M.P.No.2200 of 2021 in C.C.No.14 of 2019 on the file of the Judicial Magistrate Fast Track Court Level at Kallakurichi.

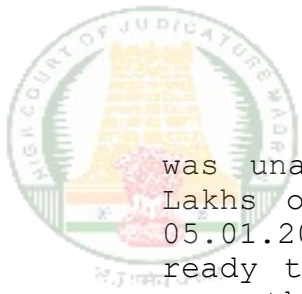
For Petitioner : Mr.A.Rajakumar

ORDER

The Criminal Original Petition has been filed seeking to set aside the order dated 23.12.2021, passed in C.M.P.No.2200 of 2021 in C.C.No.14 of 2019 on the file of the Judicial Magistrate Fast Track Court Level at Kallakurichi.

2. The brief facts of the case is that the petitioner is an accused in C.C.No.14 of 2019 pending on the file of the trial Judge for the offences under Section 138 of the NI Act in respect of dishonor of a cheque for an amount of Rs.50,00,000/- (Rupees Fifty Lakhs only). The petitioner had filed an application in C.M.P.No.2200 of 2021 seeking to recall PW1 for further cross examination. The trial Court, by order dated 23.12.2021, finding that PW1 was earlier recalled and cross examined and that the petition was filed belatedly, had allowed the petition with a conditional order to deposit 10% of the cheque amount to the credit of the case on or before 05.01.2022. The petitioner had not deposited the amount, whereas, on 24.02.2022, he filed the present petition seeking to set aside the order dated 23.12.2021, passed in C.M.P.No.2200 of 2021.

3. Learned counsel appearing for the petitioner would submit that due to the pandemic and his poor financial conditions, he



was unable to raise the amount of Rs.5,00,000/- (Rupees Five Lakhs only) i.e., 10% of the cheque amount and pay it within 05.01.2022. He would further submit that the petitioner is now ready to deposit an amount of Rs.5,00,000/-, thereby, he would pray that he may be permitted to recall PW1 for further cross examination.

4. Heard the learned counsel and perused the materials available on record.

5. Since, the limited prayer has been asked for by the petitioner, the petitioner is directed to deposit 10% of the cheque amount i.e., Rs.5,00,000/- within one week from the date of receipt of a copy of this order and on the petitioner depositing the said amount within one week, the learned trial Judge shall recall PW1 for cross examination. However, it is made clear that the petitioner shall cross examine PW1 on the same day of his appearance before the Court. In the event of his failure to cross examine the witnesses on the date of his appearance, the petitioner will lose further chance of cross examining the witnesses.

6. With the above observations, this Criminal Original Petition stands disposed of. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

RGI

To

1. The Judicial Magistrate
Fast Track Court Level,
Kallakurichi.
2. The Branch Head,
IDBI Bank,
Neelamangalam Branch,
Kallakurichi District.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.9111 of 2022
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NR(CO)
TE(22/04/2022)