

IN THE HIGH COURT JUDICATURE AT MADRAS

DATED : 25.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.636 of 2018

T.R.Kaleedass

...Petitioner

Vs.

R.Pratab

...Respondent

Prayer : Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C, against the order dated 19.04.2018 made in Crl.M.P.No.26 of 2018 in C.A.No.11 of 2018 on the file of the learned First Additional District and Sessions Court, Erode.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.D.Raghu

ORDER

The petitioner/accused in S.T.C.No.279 of 2016 for the case under Section 138 of Negotiable Instrument Act was convicted by the trial Court by judgment dated 08.12.2017. Aggrieved by the same, the petitioner had preferred an appeal in C.A.No.11 of 2018 before the First Additional District and Sessions Court, Erode. During the pendency of the Appeal, a petition was filed under Section 315 of Cr.P.C. in C.M.P.No.26 of 2018 for adducing additional evidences by examining the petitioner/accused as a witness in this case. Earlier Appellate Court by order dated 19.04.2018 had dismissed the petition, against which the present revision has been filed.

2. The contention of the petitioner is that the petitioner has got no financial linking with the respondent. The Cheque in question has been managed by one Ram through the respondent and the respondent filed a case. In the cross examination, the

respondent denied the specific case of the petitioner that the cheque was given to Ram. Further the respondent had no financial status to extend a loan to a tune of Rs.5,70,000/-. The petitioner had sent a reply to the Statutory notice calling for the copy of the cheque, so that he can give a detailed reply. The respondent received the aforesaid reply notice but failed to furnish the copy of the cheque or any rejoinder. Thus, the petitioner at the initial stage itself disputed the issuance of the cheque, any liability to the respondent. Therefore, the petitioner filed a petition before the trial Court for adducing additional witnesses. The trial Court failed to consider the same and on the same day rendered judgment on conviction. Hence, he was denied to file a petition under Section 315 of Cr.P.C.

3. The learned counsel for the respondent submits that the case is of the year 2016 and the cheque was given in the year 2016. The petitioner adopted delaying tactics by giving one reason or the other and the petitioner denied that the liability to the respondent for payment of Rs.5,70,000/-. The petitioner filed a petition under Section 315 Cr.P.C. to drag on the proceedings and the trial Court rightly dismissed the said petition. Further the order of lower Appellate Court is a detailed one. Hence he prays for dismissal of the petition with a direction to the lower Appellate Court to conclude the proceedings within a period stipulated period.

4. Considering the submission and on perusal of the case, it is seen that the trial Court earlier had given reasonable time to cross examine the witnesses by the petitioner and thereafter only, it had closed the defence case and posted the case for judgment. On the date of the judgment, the petitioner filed a petition under Section 315 Cr.P.C. for adducing additional evidence. However, the trial Court found that the said petition is filed only for protracting the trial and rightly dismissed the said petition.

5. From the judgment of the trial Court, it is seen that the petitioner had already cross examined the witnesses with regard to the relationship and transaction with the said Ram. The petitioner had not taken steps to summon the said Ram during trial. The respondent clearly denied any relationship with Ram. Further the filing of a petition under Section 315 Cr.P.C. to mark additional evidence will no way help the petitioner to defend his case.

6. In view of the above, this Court is not inclined to entertain the petition. Accordingly, this Criminal Revision Petition stands closed and this Court directs the trial Court to conclude the appeal within a period of two months from the date of receipt of a copy of this order. It is made clear that the observation made herein only for disposal of this petition alone. The lower appellate Court to dispose the appeal uninfluenced by the observations made herein in a dispassionate manner in accordance with law.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

kmm

To:

The First Additional District and Sessions Court,
Erode.

+1cc to Mr.D.Raghu, Advocate SR. No. 20237

+1cc to Mr.N.Manokaran, Advocate SR. No. 20493

Cr1.R.C.No.636 of 2018

SKM (CO)

PR (25/07/2022)