



Crl.OP.No.23329 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.23329 of 2022

and

Crl.M.P.No.14916 of 2022

Neelakandan

... Petitioner

Vs.

Sakthikumar

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the order passed in C.M.P.No.2549 of 2022 in S.T.C.No.559 of 2019 on the file of the Judicial Magistrate No.I, Bhavani, dated 12.08.2022.

For Petitioner

: Mr.B.Kumarasamy

ORDER

This Criminal Original Petition has been filed to set aside the order passed in C.M.P.No.2549 of 2022 in STC.No.559 of 2019 on the file of the learned Judicial MagistrateNo.I, Bhavani dated 12.08.2022.



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2. The learned counsel for the petitioner would submit that the respondent herein had filed a complaint under Section 200 of Cr.P.C as against the petitioner and he is facing trial in STC.No.559 of 2019 for the offence under Section 138 of Negotiable Instrument Act on the file of the learned Judicial Magistrate No.I, Bhavani. He would further submit that during cross-examination of P.W.1, they have omitted some important points and those facts are important to decide this case. Hence, he filed a petition under Section 311 of Cr.P.C to recall P.W.1 for further cross-examination and the same was dismissed by the learned Trial Court. Aggrieved over the same, the present petition has been filed to set aside the impugned order.

3. Heard the learned counsel for the petitioner and perused the materials available on records.

4. On perusal of the records, it is seen that the petitioner is an accused in STC.No.559 of 2019 on the file of the learned Judicial Magistrate No.I, Bhavani. The respondent had filed a private complaint against the petitioner for the offence under Section 138 of Negotiable Instrument Act. During the trial, the complainant was examined as P.W.1 and he was cross-examined twice on 04.08.2021 and 24.08.2021 by the petitioner. Thereafter, again the petitioner had filed a petition



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under Section 311 of Cr.P.C to recall P.W1 for further cross-examination. In the impugned order, the reason for recalling the P.W.1 for cross-examination is that they have omitted some important points while cross-examination. Since the petitioner has not assigned any valid reason in the petition for recalling the P.W.1 for cross examination, the learned Trial Court had dismissed the petition with an observation that petitioner has sufficiently cross-examined the witness and the intention of recalling the P.W.1 must not be for harassing him.

5. In such view of the matter, this Court does not find any infirmity in the order passed by the learned Trial Court. Accordingly, this Criminal Original petition is dismissed. Consequently, connected miscellaneous petition is closed. However, learned Magistrate is directed to dispose the case as expeditiously as possible.

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Internet : Yes / No
Index : Yes / No
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V.SIVAGNANAM,J.

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To

The learned Judicial Magistrate No.I,
Bhavani

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