



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2022

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.6603 of 2022

and

Crl.M.P(MD) No.4564 of 2022

Merlin Jacob

...Petitioner/Petitioner/
Accused

Vs.

Krishnamoorthy

...Respondent/Respondent/
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records made in Crl.M.P.No.10025 of 2021 in STC.No.193 of 2016 on the file of the Judicial Magistrate No.I, Padmanabhapuram dated 16.12.2021 and set aside the same.

For Petitioner : Mr.G.Mohan Kumar

ORDER

This Criminal Original Petition has been filed call for the records made in call for the records made in Crl.M.P.No.10025 of 2021 in STC.No.193 of 2016 on the file of the Judicial Magistrate No.I, Padmanabhapuram dated 16.12.2021 and set aside the same.

2. The petitioner is the accused. The respondent filed complaint for the offence punishable under Section 138 of the Negotiable Instrument Act as against the petitioner herein and the same has been taken cognizance in STC No.193 of 2016. During trial, the respondent was examined as PW.1 and documents was also marked. The petitioner filed a petition under Section 311 of Cr.P.C to recall PW.1 for cross examination, however on the date of hearing namely 16.12.2021 the petitioner was absent and as such Non Bailable Warrant was issued and the petition to recall PW.1 was also dismissed.

3. In view of the same, the petitioner is directed to file a petition under Section 91 of Cr.P.C in the manner known to law and on receipt of the same, the trial Court is directed dispose of the same in accordance with law.



4. With the above direction, the petition stands disposed of. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar(CS)

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To

The Judicial Magistrate No.I, Padmanabhapuram.

+1 CC to M/s.G. MOHAN KUMAR, Advocate (SR-17681[F] dated 11/04/2022)

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