



CRL.O.P (MD) No.14084 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.14084 of 2022

and

CrI.M.P(MD)No.9057 of 2022

B.Ramija

...Petitioner/Accused

Vs.

T.Anwar Sathath

...Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., praying to call for the records relating to the order, dated 08.07.2022 passed by the Judicial Magistrate No.1, Tiruchirappalli in Cr.M.P.No.7595 of 2022 in C.C.No. 295 of 2018 and set aside the same.

For Petitioner : Mr.N.Mohan

ORDER

This petition has been filed to set aside the order, dated 08.07.2022 in Cr.M.P.No.7595 of 2022 in C.C.No.295 of 2018 passed by the Judicial Magistrate No.1, Tiruchirappalli.

2.The learned counsel appearing for the petitioner submitted that the petitioner is an accused in C.C.No.295 of 2018 on the file of the learned Judicial Magistrate No.1, Tiruchirappalli. The respondent herein is the



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complainant and he has filed a private complaint against the petitioner for the offences punishable under Sections 138 and 142 of Negotiable Instruments Act, for dishonouring cheque. After cross examination, the case was posted for questioning under Section of 313 Cr.P.C. At the time of cross examination of PW1, the relevant documents that the previous notices issued by the petitioner/accused to one Sahul Hammed and the complainant herein, were not available. For that reasons, some important questions could not be raised and asked to the complainant, as PW1, at the time of cross examination. Therefore, the petitioner/accused filed a petition under Section 311 of Cr.P.C., to re-call of PW1 for further cross examination, which was dismissed by the trial Court. Challenging the same, the petitioner filed this petition.

3. I have considered the matter in the light of the submissions made by the learned counsel for the petitioner.

4.A perusal of records, shows that the respondent has filed a private complaint against the petitioner for dishonor of cheque. The case was taken on file in C.C.No.295 of 2018 before the learned on the file of the learned Judicial Magistrate No.1, Tiruchirappalli, for the offences under Sections 138 and 142 of Negotiable Instruments Act. In this case, the respondent was examined as PW1 and he was also cross examined and the same was posted for questioning



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under Section of 313 Cr.P.C. At this stage, the petitioner has filed a petition under Section 311 of Cr.P.C., before the learned Judicial Magistrate No.1, Tiruchirappalli, to re-call of PW1 for further cross examination, for the reasons that at that time of cross examination of PW1, the case relevant documents of previous notices issued by the petitioner/accused to one Sahul Hammed and the complainant, were not available with the petitioner herein. So, some important questions could not be raised and asked to the complainant as PW1, at that time of cross examination. Except this, no other reason has been stated in the petition filed before the trial Court. Hence, the trial Court, dismissed the said petition on the ground of 'no valid reasons for recalling of PW1 for further cross examination'. Further, the case was posted for questioning under Section of 313 Cr.P.C. The learned Magistrate has rightly dismissed the said petition filed under Section 311 of Cr.P.C., and this Court finds no error in the order passed by the trial Court and there is no merit in this case.

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

04.08.2022

Index : Yes / No
Internet : Yes/ No
vsd



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V.SIVAGNANAM, J.

vsd

To

- 1.The Judicial Magistrate No.1,
Tiruchirappalli.
- 2.Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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