



Crl.O.P.(MD) No.19029 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P(MD)No.19029 of 2022

and

Crl.M.P.(MD) No.12834 of 2022

P.Saravanan

...Petitioner

vs.

P.Sellammal

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the order dated 23.09.2022 made in Crl.M.P.No.3312 of 2022 in S.T.C.No.213 of 2020 dated 23.09.2022 on the file of the learned District Munsif cum Judicial Magistrate, Srirangam and to set aside the same.

For Petitioner

: Mr.J.K.Jeyaselan

ORDER

This Criminal Original Petition has been filed to quash the order dated 23.09.2022 made in Crl.M.P.No.3312 of 2022 in S.T.C.No.213 of 2020 pending on the file of the learned District Munsif cum Judicial Magistrate, Srirangam.



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2.It is the contention of the learned Counsel for the Petitioner that the Petitioner had filed Crl.M.P.No.3312 of 2022 under Section 311 Cr.P.C. to recall P.W1, which was dismissed by the learned District Munsif cum Judicial Magistrate, Srirangam stating that the Petitioner/accused had already exhausted the remedy to cross-examination.

3.On perusal of the order passed by the learned District Munsif cum Judicial Magistrate, Srirangam in Cr.M.P.No.3312 of 2022, it is found that it is a well reasoned order. It is a case under Section 138 of Negotiable Instruments Act. The complainant is P.W1. He has already appeared before the Court. He had also been cross-examined after closing of evidence. When the case was posted for defence side evidence, the Petitioner herein, who is the accused before the Trial Court, had filed Crl.M.P.No.3312 of 2022 to recall P.W1 for further cross-examination regarding Ex.p7, which is nothing but a passbook. The learned District Munsif cum Judicial Magistrate, Srirangam had already in his well reasoned order stated that the Petitioner herein had cross-examined P.W1 at length extensively. Therefore, no purpose will be served by recalling P.W1.



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4. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected Miscellaneous Petition is closed.

Index :Yes/No
Internet :Yes/No

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To

1. The District Munsif cum Judicial Magistrate,
Srirangam.

2. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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