



WEB COPY



Crl.O.P.No.6666 of 2023,

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6666 of 2023

R.Ramesh

Vs.

... Petitioner

A.Krishnakumar

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the order made in Cr.M.P.No.1962 of 2022 dated 20.03.2022 on the file of the learned Judicial Magistrate Court-I, Udumalpet and pass such other orders deems fit and proper for the circumstances of the case.

For Petitioner : Mr.M.N.Balakrishnan

ORDER

This Criminal Original Petition has been filed to set aside the order made in Cr.M.P.No.1962 of 2022 dated 20.03.2022 on the file of the learned Judicial Magistrate Court-I, Udumalpet.



Crl.O.P.No.6666 of 2023,

2. It is the submission of the learned counsel for the petitioner that respondent/complainant filed a petition in Crl.M.P.No.1962 of 2022 under Section 311 Cr.P.C for marking the impugned cheque, stating that, cheque was inadvertently omitted to be marked as Exhibit. Learned Judicial Magistrate Court-I, Udumalpet accepted the reason given by the petitioner therein and allowed the petition. It is the submission of the learned counsel for the petitioner that, the case was filed in the year 2013 and the petition under Section 311 Cr.P.C petition filed in the year 2022 for marking the impugned cheque is not appropriate and therefore, this petition has to be dismissed.

3. Considered the submission and perused the records.

4. The Order of the learned Judge reads that, cheque was produced in the Court on 17.02.2017 for marking as Exhibit. On that day, the Head Clerk was on leave and therefore, it was omitted to be marked. It was also found that the learned counsel for the petitioner accepted that, the cheque was produced in the Court for marking on 17.02.2017. In such circumstances, this Court is of the



Crl.O.P.No.6666 of 2023,

view that omission to mark the impugned cheque by mistake and oversight, was rightly condoned and the petition was allowed. This Court finds no reason to interfere with the Order of the Judicial Magistrate Court-I, Udumalpet in Crl.M.P.No.1962 of 2022.

5. Therefore, the Order of the Judicial Magistrate Court-I, Udumalpet in Crl.M.P.No.1962 of 2022 is confirmed. Learned Judicial Magistrate Court-I, Udumalpet is directed to dispose the case within a period of two months from the date of receipt of a copy of this Order.

6. With the above direction, this Criminal Original Petition is dismissed.

27.03.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order
gd



WEB COPY



Crl.O.P.No.6666 of 2023,

G.CHANDRASEKHARAN,J.

gd

To

1.The Judicial Magistrate Court-I, Udumalpet.

2.The Public Prosecutor
Madras High Court.

Crl.O.P.No.6666 of 2023

27.03.2023

4/4