



CrI.O.P.No.1535 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.1535 of 2023

and

CrI.M.P.No.875 of 2023

Umapathy
S/o.Ramasamy

... Petitioner

Vs.

R.Nagapavani
W/o.A.Rajkumar

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order passed in Cr.M.P.No.7974 of 2022 in CC.No.671 of 2018 dated 30.12.2022 by the Judicial Magistrate, Fast Track I at Coimbatore by allowing the present Criminal Original Petition.

For Petitioner : Mr.MA.P.Thangavel

For Respondent : Mr.S.Dinuprashanth

ORDER

This Criminal Original Petition has been filed against the order passed by the Court below dismissing the petition filed in



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Crl.M.P.No.7974 of 2022 to reopen the defence side evidence and to permit the petitioner to examine two witnesses on the side of the defence.

2. The respondent filed a complaint against the petitioner under section 138 of the Negotiable Instruments Act. The petitioner filed a petition seeking to reopen the defence side evidence to enable the petitioner to examine two witnesses on the side of the petitioner. This petition was contested by the respondent by filing a counter. The Court below, by order dated 30.12.2022, dismissed the petition and aggrieved by the same, the present petition was filed before this Court.

3. The order was passed by the Court below in Crl.M.P.No.7974 of 2022 on 30.12.2022. However, the matter came up for hearing before this Court only on 28.08.2023. This Court ordered notice to the respondent and also directed the Court below to keep the proceedings in abeyance. By the time this interim order was passed, the Court below had passed the judgment in C.C.No.671 of 2018 on 22.08.2023.

4. In the light of the above development, there is no scope to deal with the challenge made to the dismissal of the petition filed by the



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petitioner pending the main case in C.C.No.671 of 2018. It is left open to the petitioner to file an appeal and challenge the judgment passed by the trial Court in C.C.No.671 of 2018. It is also left open to the petitioner to file an appropriate application under Section 391 Cr.P.C., to examine witnesses as additional evidence and the same will be considered by the appellate Court on its own merits and in accordance with law. Except giving this liberty, no further orders can be passed in this petition.

This Criminal Original Petition is disposed of in the above terms. Consequently, connected miscellaneous petition is closed.

12.09.2023

Note : Issue order copy by 19.09.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm/veda

To

The Judicial Magistrate,
Fast Track I, Coimbatore.



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N.ANAND VENKATESH, J

gm

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