



Criminal Original Petition No.14653 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.14653 of 2023

and

CrI.M.P.No.9138 of 2023

T.S.Sakthivel
S/o.Somasundaram

...Petitioner

Vs

K.P.Sivakumar
S/o.Ponnusamy

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to set aside the order dated 07.04.2022 passed in C.M.P.No.6141 of 2021 in S.T.C.No.324 of 2017 on the file of learned Judicial Magistrate (Fast Track Court II), Erode.

For Petitioner : Mr.I.Kowser Nissar

ORDER

This petition has been filed challenging the order passed by learned Judicial Magistrate (FTC II), Erode, dated 07.04.2022 partly allowing the petition filed by the petitioner u/s.311 Cr.P.C.

2. The petitioner is an accused in the complaint filed by the



respondent u/s.138 of the Negotiable Instruments Act. The petitioner filed an application u/s.311 r/w 254(2) Cr.P.C. to permit him to examine six witnesses on the side of the defence. This petition was considered by the Court below after hearing both sides and the Court below partly allowed the petition and out of six witnesses, the petitioner was allowed to examine two witnesses and further, directed the petitioner to pay a sum of Rs.1,000/- towards witness batta and also the travelling expenses. Aggrieved by the same, the present petition has been filed before this Court.

3. Heard learned counsel appearing for petitioner.

4. In the considered view of this Court, the Court below has properly considered the petition filed by the petitioner and found that witnesses 3 to 6 in the list of witnesses cannot be permitted to be called and if at all, the petitioner wants to substantiate his defence, it is enough if witnesses 1 and 2 are examined. Such view taken by the Court below does not suffer from any illegality or infirmity requiring the interference of this Court.

In the light of the above discussion, this Court does not find any merit



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in this petition. Accordingly, this Criminal Original Petition stands dismissed. There shall be a direction to the Court below to complete the proceedings in STC No.324 of 2017 within a period of two (2) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

04.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

To

- 1.The Judicial Magistrate (Fast Track Court II),
Erode.
- 2.The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J



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