



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.19209, 19212, 19215, 19217, 19222 & 19227 of 2023

and

Crl.M.P.Nos.12920 to 12924, 12927 & 12929 of 2023

Crl.O.P.No.19209 of 2023:

K.Kamal Kamesh

...Petitioner

Vs

K.Naveed Ahmed

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 23.03.2023 made in C.M.P.No.518 of 2023 in S.T.C.No.328 of 2021 on the file of Additional District Munsif cum Judicial Magistrate Court, Ambur, Vellore District by allowing the criminal original petition and permit the Petitioner to recall P.W.1 and permit the Petitioner to cross examine P.W.1.

For Petitioner
in all OPs

: Mr.C.S.Saravanan



COMMON ORDER

WEB COPY These Criminal Original Petitions have been filed challenging the order passed by the Court below dismissing the applications filed under Section 311 of CrPC to reopen the case and to recall PW1 for further examination.

2. Heard the learned counsel for the petitioner and the respondent and also perused the materials available on record.

3. The petitioner is facing trial before the Court below for offence under Section 138 of the Negotiable Instruments Act in nearly six complaints. The examination of the witnesses on the side of the complainant was over and the petitioner was also questioned under Section 313 of Cr.P.C. Thereafter, the present applications came to be filed seeking for reopening the case and for recalling P.W.1 for further cross examination. These applications came to be dismissed by the Court below. Aggrieved by the same, these Criminal original petitions have been filed before this Court.



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4. On carefully going through the order passed by the Court below, it is seen that the petitioner had already cross-examined the witnesses elaborately and there was absolutely no reason or valid ground for recalling P.W.1 for cross-examination on a vague statement that some questions have to be put to P.W.1 regarding authentication of the receipt. Hence, the witness cannot be recalled and the Court below has properly assigned reasons while dismissing the applications.

5. In the light of the above discussion, this Court does not find any illegality or infirmity in the order passed by the Court below. Accordingly, these criminal original petitions are dismissed. Consequently, the connected miscellaneous petitions are also closed.

24.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
pal/nsa



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N.ANAND VENKATESH, J

pal/nsa

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