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Crl.O.P.No.12711 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.12711 of 2023

Arun Kumar

... Petitioner

Vs.

Gnaneswaramoorthy

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C.No.434 of 2021 on the file of the Judicial Magistrate Court No.I, at Chengalpattu and set aside he Docket Order dated 11.05.2023 passed in C.M.P.No.3171 of 2023

For Petitioner : Mr.P.K.Ganesh

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.434 of 2021 on the file of the Judicial Magistrate Court No.I, at Chengalpattu and set aside he Docket Order dated 11.05.2023 passed in C.M.P.No.3171 of 2023.



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2. The learned counsel for the petitioner submitted that, during the cross examination of PW1, vital question was put to the witnesses along with other questions. But that question was not answered by PW1. In oversight, learned defence counsel failed to ask that question again, under the impression that it was answered. He further submitted that, unless the vital question is answered, petitioner will be seriously prejudiced. However, the recall petition filed by the petitioner in Crl.M.P.No.3171 of 2023 was dismissed without considering the petitioner's case, necessitating the filing of this petition.

3. In continuation of his submission, the learned counsel for the petitioner submitted that, during the course of the cross-examination, PW1 stated that, he is prepared to produce the I.T Account, but he failed to produce the I.T Account.

4. As already stated by the learned counsel for the petitioner, vital question asked to PW1 was not answered by him. However, the order of the learned Judge shows that, all the questions put forth by the learned defence counsel were answered by PW1. Further, PW1 has categorically given evidence that, the amount of Rs.11,00,000/-, which was lent to the accused



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was not shown in the I.T Account. Thus, even if PW1 produces if he produces the I.T Account, that will no way help the case of the petitioner.

Therefore, this Court finds no reason to interfere with the order of the learned Judicial Magistrate No.I, Chengalpattu in Crl.M.P.No.3171 of 2023.

5. Accordingly, this Criminal Original Petition is dismissed.

08.06.2023

Internet:Yes
Index:Yes/No
Sma

To:

Judicial Magistrate, Chengalpattu



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G.CHANDRASEKHARAN, J.
sma

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