



Crl.O.P. No. 15290 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 10.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.15290 & 15296 of 2023

&

Crl.M.P. Nos. 9517, 9520 of 2023

Simple Agencies
Rep. By its Proprietor,
C.Chakravarthi

... Petitioner in
Crl OP No.15290 of 2023

Mr.C.Chakravarthi

... Petitioner in Crl OP No.15296 of 2023

Vs.

Falcon Tamilnadu Trade Link
Represented by its Power Agent and Manager,
Y.Sabbirsadikot
S/o Yusifalisadikot,
75, Bharathi Colony,
Peelamedu,
Coimbatore.

... Respondent
in both Crl. OPs

Common Prayer: This Criminal Original Petitions filed under



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Section 482 of Cr.P.C. to call for the records pertaining the common order passed in Crl.M.P.Nos.5207/2022 in CC No.223/2018 and 5211/2022 in C.C.No.223 & 224/2018 on the file of the learned Judicial Magistrate, Fast Track Court No.1, Coimbatore and to set aside the order.

For Petitioner : M/s.V.Geetha Rani
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed challenging the order passed by the learned Judicial Magistrate, Fast Track Court, I, Coimbatore dismissing the application filed under Section 315 of Cr.PC to examine the witnesses on the side of the defence.

2. The petitioner is facing trial before the Court below for offence under Section 138 of the Negotiable Instruments Act. PW1 was examined in chief and was initially not cross-examined. Thereafter, the petitioner filed an application under Section 311 of



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Cr.PC to recall PW1 and the same was allowed. Accordingly, the cross examination of PW1 was completed on 24.06.2022.

Thereafter, the case was posted for defence side evidence. Since no one was examined, the defense side was closed and the matter was posted for arguments on 10.08.2022. At this stage, the present application came to be filed to re-open the defence side evidence and to examine the witness on the side of the accused.

3. The Court below on considering the facts of the case and after taking into consideration the earlier applications filed by the petitioner, came to a conclusion that there is no reason for permitting the petitioner to examine the list of witnesses and by exercising the jurisdiction under Section 254(2) of Cr.PC, the Court below thought it fit that it is enough if the petitioner/accused is permitted to be examined on the side of the defence. Aggrieved by the same, the present petition has been filed before this Court.



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4. In the considered view of this Court, the order passed by the Court below does not suffer from any illegality or infirmity. The petitioner has already cross examined PW1 and the petitioner has also been given sufficient opportunity by the Court below to examine himself as a witness on the side of the defense. This will give sufficient opportunity for the petitioner to establish his defence. As rightly held by the Court below, there is cause to allow the petitioner to examine a list of defence witness without any rhyme or reason. The order passed by the Court below does not warrant the interference of this Court.

5. In the light of the above discussion, these Criminal Original petitions are dismissed. There shall be a direction to the learned Judicial Magistrate, Fast Track Court I, Coimbatore, to dispose of CC Nos.224 and 223 / 2018, within a period of two weeks from the date of receipt of a copy of this order. Consequently, the



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connected miscellaneous petitions are closed.

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Index :Yes/No

Internet:Yes

Speaking Order/Non-speaking Order

To

1. The Judicial Magistrate, Fast Track Court I, Coimbatore,
2. The Public Prosecutor,
Madras High Court,
Chennai.

N.ANAND VENKATESH,J.



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