



WEB COPY



Crl.O.P.No.16297 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.16297 of 2023

and

Crl.M.P.No.10339 of 2023

1.M/s.G.K.Distributors,
Rep.by its Proprietor,
Mr.K.Dilip Kumar @ Dilip Marlecha,
No.35A, Shanmugam Road,
West Tambaram, Chennai – 600 045.

2.Mr.K.Dilip Kumar @ Dilip Marlecha,
No.35A, Shanmugam Road,
West Tambaram, Chennai – 600 045.

.. Petitioners

Vs.

Mr.B.Prakash

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to set aside the impugned Dismissal Order dated 15.06.2023 passed by the learned MM/FTC-II, Egmore, Allikulam, Chennai in Crl.M.P.No.19962/2023 in STC.No.1920/2021 and consequently, direct the learned Trial Court to recall P.W.1 for cross examination.



Crl.O.P.No.16297 of 2023

For Petitioners : Mr.S.Yudhish Padman
For Respondent : Mr.A.P.Ramesh

ORDER

This petition has been filed challenging the order passed by the Court below in Crl.M.P.No.19962 of 2023 in STC.No.1920 of 2021 dated 15.06.2023, dismissing the application filed under Section 311 of Cr.P.C to recall P.W.1 for further cross-examination.

2. Heard Mr.S.Yudhish Padman, learned counsel for the petitioners and Mr.A.P.Ramesh, learned counsel for the respondent.

3. The respondent filed a complaint against the petitioners for offence under Section 138 of the Negotiable Instrument Act. The respondent examined himself as P.W.1 and he was also cross-examined on the side of the petitioners on 09.03.2023. Thereafter, an application came to be filed by the petitioners to recall P.W.1 for further cross-examination. This application came to be dismissed by the Court below and aggrieved by the same, the present petition has been filed before this Court.



Crl.O.P.No.16297 of 2023

WEB COPY

4. Taking into consideration the facts and circumstances of the case and in order to afford one last opportunity to the petitioners to cross-examine P.W.1, this Court is inclined to interfere with the order passed by the Court below and accordingly, the order passed in Crl.M.P.No.19962 of 2023 in STC.No.1920 of 2021 dated 15.06.2023 on the file of the learned MM/FTC-II, Egmore, Allikulam, Chennai is hereby set aside.

5. It is informed to this Court that the matter stands posted for hearing on 21.08.2023. On that day, the complainant shall be present before the Court below and he shall be paid cost of Rs.2,500/-by the petitioners. On such payment of cost, the Court below shall permit the petitioners to further cross-examine P.W.1. Further cross-examination must be completed on the same day.

6. In the result, this Criminal Original Petition is allowed in the above terms and there shall be a direction to the Court below to complete the proceedings in STC.No.1920 of 2021 within a period of four months from the date of receipt of a copy of this order. No costs. Consequently,



CrI.O.P.No.16297 of 2023

connected miscellaneous petition is closed.

WEB COPY

04.08.2023

Speaking order: Yes/No
Neutral citation: Yes/No
kak

To

- 1.The learned MM/FTC-II,
Egmore, Allikulam, Chennai
- 2.The Public Prosecutor
High Court of Madras,
Madras.

N.ANAND VENKATESH, J



WEB COPY



Crl.O.P.No.16297 of 2023

kak

Crl.O.P.No.16297 of 2023

04.08.2023