



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.17235 of 2023
and Crl.MP.Nos.11146,11156 of 2023

N. Kalainathan

Petitioner

vs.

M.A.C. Palaniswamy

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to allow this petition and set aside the order passed in Crl.MP.1677/2023 in STC.No.148/2021 on the file of the Fast Track Judicial Magistrate, Tiruchengode dated 14.06.2023.

For Petitioner : M/s. Charles Kamalesh M. Appaji

For Respondent : M/s C.J. Saravanan

ORDER

This petition has been filed challenging the order passed by the Court below in Crl MP No.1677 of 2023 dated



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14.06.2023 dismissing the application filed under Section 311 of Cr.PC to recall PW1 for cross examination.

2. Heard M/s. Charles Kamalesh M. Apaji, learned counsel for the petitioner and Mr. C.J. Saravanan, learned counsel for respondent.

3. The petitioner is facing trial before the Court below for offence under Section 138 of the Negotiable Instruments Act. The respondent / complainant was examined as PW1 and he was also cross examined. The matter was at the stage of defence evidence and at this stage, the application came to be filed to recall PW1 for further cross-examination. The same was rejected by the Court below and aggrieved by the same, the present petition has been filed before this Court.

4. When this petition was entertained by this Court on 01.08.2023, this Court directed the petitioner to deposit the cost of Rs.2500/- before the Court below on or before 24.08.2023.



Accordingly, the cost amount has also been deposited.

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5. Taking into consideration the facts and circumstances of the case, the order passed by the Court below in Crl MP No.1677 of 2023, is hereby set aside. It is stated that the matter stands posted for hearing on 21.09.2023. On that date, the complainant /PW1 shall be present before the Court and further cross examination shall be completed on the same day. PW1 shall be permitted to withdraw the cost that has been deposited by the petitioner

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.1248/2021 within a period of three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

25.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

1. Fast Track Judicial Magistrate,
Tiruchengode

2. The Public Prosecutor,
High Court, Madras

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N. ANAND VENKATESH, J.

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