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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.17255 of 2023
and Crl.M.P No.11184 of 2023

Mr.S.Adhimoolam

Petitioner

vs.

M.Thyagarajan

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the order dated 26.06.2023 passed in Crl.M.P.No.285 of 2023 in STC No.901 of 2022 by the XIV Small Causes Judge at Chennai and set aside by allowing this petition.

For Petitioner : Mr.S.Rubeenprabu

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed in Crl.M.P.No.285 of 2023 under Section 311 of Cr.P.C., to reopen and recall PW1 for further cross-examination, by order dated 26.06.2023.



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2.The respondent has filed a complaint under Section 138 of the Negotiable Instruments Act against the petitioner. The evidence on the side of the complainant was completed and the petitioner was also questioned under Section 313 of Cr.P.C. Thereafter, the case was posted for arguments. The arguments on the side of the complainant was completed on 14.12.2022. Thereafter, the petitioner has filed an application under Section 311 of Cr.P.C., to reopen and recall PW1 for further cross-examination on the ground that there are some documents which are relevant and which must be put to PW1.

3.The Court below on considering the facts and circumstances of the case and on appreciating the power to be exercised under Section 311 of Cr.P.C., came to a conclusion that there are no valid reasons to entertain the application and more particularly, when the case was at the stage of arguments and the complainant had already completed his arguments. The Court also took into considering the fact that the case has been pending from the year 2016 onwards.

4.This Court does not find any illegality or infirmity in the order passed by the Court below and it does not require the interference of this Court.



5. In view of the above discussion, this criminal original petition is dismissed and there shall be a direction to the Court below to complete the proceedings in STC No.901 of 2022, within a period of two months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

01.08.2023

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

To

1. The XIV Small Causes Judge, Chennai.
2. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH., J.

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