



WEB COPY



Crl.O.P. No.19596 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

Crl.O.P No.19596 of 2023
and Crl.M.P. No.13266 of 2023

C.R.Sindhya

.. Petitioner

Vs.

S.Vigash

..Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to set aside the order dated 12.07.2023 passed by the Metropolitan Magistrate Court (Fast Track Court II) at Allikulam (Egmore Unit) Chennai in Crl.M.P. No.23003 of 2023 in S.T.C. No.2643 of 2021 and consequently direct to examine the list of witnesses 2 & 3 mentioned by the petitioner and also to permit the petitioner to examine all the witnesses as a defence witness.

For Petitioner : Mr.G.Murugesh Kumar

For Respondent : Mr.Prof.UdayBhanu



WEB COPY

ORDER

The petitioner challenging the order passed by the trial Court dismissing the Application filed under Section 311 of Cr.P.C on the ground that out of three cited witnesses, the petitioner has not explained, how these two witnesses are relevant for the case.

2. The learned counsel appearing for the petitioner submitted that the other two witnesses are relatives to both the complainant and the accused, they are competent to speak about the circumstances under which the subject cheque was issued. For the said purpose, the petitioner/accused ought to have made some foundational averments either in his reply notice or while cross examining the complainant.

3. The petitioner has not replied to the statutory notice. On perusal of the cross examination of P.W.1, there is a reference about the grand mother who is one of the witness sought to be summoned and about transaction of Rs.3,00,000/-, for vacating premises. The said suggestion been denied by the witnesses. There is no further cross on this point and therefore, the reason stated by the trial Court that apart from the accused, the other two witnesses mentioned in the list of



Crl.O.P. No.19596 of 2023

witnesses for defence are not relevant to the case.

WEB COPY

4. In view of the above facts, this Court finds no error in the order of the trial Court. Hence, this petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed.

28.11.2023

Internet : Yes/No

Index: Yes/No

rkp

To

The Metropolitan Magistrate Court (Fast Track Court II)
at Allikulam (Egmore Unit) Chennai.



WEB COPY



Crl.O.P. No.19596 of 2023

Dr.G.JAYACHANDRAN, J.

rkp

Crl.O.P No.19596 of 2023
and Crl.M.P. No.13266 of 2023

28.11.2023