



Crl.O.P.No.21512 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21512 of 2023

and

Crl.M.P.No.14802 of 2023

Ganapathy

... Petitioner

Vs.

K.Mohan Kumar

... Respondent

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to set aside order dated 26.06.2023 in C.M.P.No.2199 of 2023 in S.T.C.No.321 of 2018 passed by the District Munsif cum Judicial Magistrate Court, Ranipet and allow the same.

For Petitioner : Mr.A.D.Janarthanan

ORDER

This Criminal Original Petition has been filed challenging the order passed by the Court below dismissing the petition filed by the petitioner under Section 311 of Cr.P.C. to recall PW-1 for further cross-examination.



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2. Heard learned counsel appearing for the petitioner and carefully perused the materials available on record.

3. The respondent had filed a complaint against the petitioner for an offence under Section 138 of Negotiable Instrument Act. The respondent/complainant was examined as PW-1 and the chief-examination took place on 20.02.2019. PW-1 was cross-examined partly on 25.08.2021. Thereafter, PW-1 was never cross-examined in spite of sufficient opportunities given to the petitioner and hence, the cross-examination of PW-1 was closed on 08.12.2021. The petitioner filed an application under Section 311 of Cr.P.C. to recall PW-1 for cross-examination and the same was allowed by the Court below and accordingly, PW-1 was cross-examined by the petitioner on 07.10.2022.

4. The matter was at the stage of questioning under Section 313 Cr.P.C. and at that stage, yet another petition came to be filed by the petitioner to recall PW-1 for further cross-examination. The Court below has dismissed the petition on the ground that the petitioner has already



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cross-examined PW-1 and the petition itself has been filed only to delay the proceedings.

5. This Court does not find any illegality or infirmity in the order passed by the Court below and the same does not warrant interference of this Court.

Accordingly, this Criminal Original Petition is dismissed.
Consequently, connected miscellaneous petition is closed.

20.09.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
rjr/gm

To

The District Munsif cum
Judicial Magistrate Court,
Ranipet.



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N.ANAND VENKATESH,J

gm

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