



Crl.OP.No.20911 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.20911 of 2023

K.Sakthi Murugan, ... Petitioner
Proprietor,
M/s.Shy Luxury India Service Inc.,

Versus

M.P.Prashanth Kumar,
Proprietor,
M/s.Nugen Aircon Engineers,
No.79/31, East Vannier Street,
West K.K.Nagar,
Chennai - 600 078. ... Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C.,
to set aside the order passed by Learned Metropolitan Magistrate, Fast
Track Court-V, Saidapet, Chennai-15 in Crl.MP.No.9356 of 2023 dated
09.06.2023.

For Petitioner : Mr.N.Arun Kumar



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ORDER

This petition has been filed challenging the order passed by the Court below in Crl MP.No.9356 of 2023 dated 09.06.2023, dismissing the application filed by the petitioner under Section 254(2) of Cr.PC for examining three witnesses on the side of the defense.

2. Heard Mr.N.Arun Kumar learned counsel for petitioner and this Court has carefully considered the materials available on record.

3. The respondent initiated a private complaint against the petitioner for offence under Section 138 of the Negotiable Instrument in the year 2018. The case was at the stage of defense evidence. The petitioner had filed an application under Section 254(2) of Cr.PC for examining three witnesses on the side of the defense. On carefully going through this petition, it is seen that it is a formatted application where the petitioner has merely filled up the names of the three witnesses without uttering a single word as to why three witnesses have to be examined on the side of the petitioner.



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4. The Court below on considering the application found that there was absolutely no reason as to why the petitioner wanted to examine three witnesses on the side of the defense and that too at the fag end of the trial. The Court found that this application was filed by the petitioner only to drag on with the proceedings. 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. In the result, this Criminal Original Petition stands dismissed.

13.09.2023

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

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To

1. The Metropolitan Magistrate, Fast Track Court-V, Saidapet.

2. The Public Prosecutor, High Court, Madras



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