



Crl.O.P.No.24665 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2023

CORAM :

THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

Crl.O.P.No.24665 of 2023

and

Crl.M.P.No.17144 of 2023

JAS PVC Pipes,
Rep. By its Proprietor,
Mr.John Peter,
Branch Officer,
S.F.No.232, Power House Road,
Kovilpalayam, Coimbatore 641 407

Also at
Head Office – 199/2, Avvai Nagar,
Jagir Ammanpalayam Post,
Salem District – 636 302.

.. Petitioner

VS

M/s.Gnanam Agencies
Rep. By Partner and Power Agent,
Mr.S.Sanmugasundaram,
No.33, PadavtiammanKovil Street,
Kondithope,
Chennai – 600 079.

.. Respondent

Petition filed under Section 482 of CrPC to set aside order dated 15.09.2023 made in C.M.P.No.3101 of 2023 in C.C.No.2981 of 2018 on the file of Metropolitan Magistrate, Fast Track Court, Magisterial Court Level IV, George Town, Chennai, by allowing the criminal original petition and permit the petitioner to recall PW1 and permit the petitioner to cross examine PW1.



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For Petitioner : Mr.M..Premkumar

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ORDER

The private complaint under Section 138 of Negotiable Instruments Act is pending on the file of Judicial Magistrate, George Town, since 2018.

2. The petitioner herein is the accused and has filed an application under Section 311 CrPC to re-call the complainant, who was examined as PW1 for further cross-examination.

3. The trial Court after considering the objections raised by the complainant allowed the application to re-call PW1 vide order dated 02.09.2023 with the direction to the petitioner to pay cost of Rs.10,000/- on or before 14.09.2023 and on condition that he shall be ready to cross-examine P.W.1 on the next hearing date fixed as 15.09.2023. However, on 15.09.2023, when the case was called, the trial Court found that the petitioner has not paid the cost imposed but filed a memo stating that a petition is filed before the High Court in Crl.RC.Sr.No.47488/2023 and therefore to stay further proceedings. The trial Court has rightly observed that there is no stay of proceedings by the High Court and the petitioner has not paid the cost imposed and hence dismissed the petition.



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Aggrieved by the same, the present petition under Section 482 CrPC is filed to set aside the order of the trial Court.

4. From the narration of facts, this Court finds that the opportunity given to the petitioner herein to re-call PW1 has not been availed by him by paying the cost. There cannot be further extension of time since no satisfactory reason given by the petitioner herein for not complying the conditions to avail opportunity of examining PW1.

5. Hence, this criminal original petition is dismissed.
Connected miscellaneous petition is closed.

09.11.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm
To

1.The Metropolitan Magistrate,
Fast Track Court,
Magisterial Court Level IV,
George Town, Chennai

2.The Public Prosecutor,
High Court, Madras.



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DR G. JAYACHANDRAN.,J

ssm

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