



WEB COPY

Crl.O.P.No.25853 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25853 of 2023

T.G.Suresh

... Petitioner

Vs.

K.C.Jewellers Private Limited,
Rep.by Pwvan Kumar

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order dated 11.09.2023 passed in Crl.M.P.No.2032 of 2023 on the file of the IV FTC Metropolitan Magistrate, George Town, Chennai and consequently allow the continuation of cross examination of PW.1 in C.C.No.2672 of 2019.

For Petitioners : Mr.S.Saravanan

ORDER

This Criminal Original Petition is filed to set aside the order of the trial Court, which has dismissed the petition under Section 311 Cr.P.C., filed by the accused/petitioner herein.



WEB COPY

Crl.O.P.No.25853 of 2023



2. The facts of the case indicates that the complaint under Section 138 of N.I.Act, which was taken on file by the learned Metropolitan Magistrate, Fast Track Court IV, George Town, Chennai as C.C.No.2672 of 2019 posted for continuation of cross examination of PW.1 on 29.03.2023. In spite of request of the defence counsel to pass over the matter and the matter been passed over till 4.00 p.m. Thereafter, called and the non representation of the accused been recorded and PW.1 evidence closed.

3. Being aggrieved, the present petition is filed stating that the defence counsel was engaged in other Court and he rushed to the trial Court at about 4.30 p.m., and by that time the case was called and PW.1 evidence was closed.

4. Perusal of the trial Court order indicates that PW.1 evidence was closed only after 4.00 p.m after affording sufficient opportunity and necessary adjournment. The records indicate that the cross examination of PW.1 commenced on 09.03.2023. After cross examination of the witnesses considerably at length, the case stood adjourned to 29.03.2023, on that day



Crl.O.P.No.25853 of 2023

since the counsel for the defence was not present till 4.00 p.m., the evidence of PW.1 was closed.

5. The learned counsel appearing for the petitioner submits that some new evidence been come to the notice of the accused/petitioner which necessary to be placed before the Court by way of cross examining the complainant which will help the Court to arrive at just conclusion and therefore, he may be permitted to reopen and recall to cross examine PW.1.

6. The submissions made by the learned counsel for the petitioner appears to be reasonable. Hence this Criminal Original Petition is allowed. It is stated that the case is posted for defence witness on 21.11.2023. If the petitioner pay the cost of Rs.2,500/- to the complainant on that day, the trial Court shall permit the petitioner to cross examine PW.1 and thereafter, proceed further.

10.11.2023

Note: Issue Today

Index : Yes/No

3/4



Crl.O.P.No.25853 of 2023

Neutral Citation : Yes/No
rpl

WEB COPY

Dr.G.JAYACHANDRAN, J.

rpl

To

The IV FTC Metropolitan Magistrate, George Town, Chennai.

Crl.O.P.No.25853 of 2023

10.11.2023