



Crl.O.P.(MD)No.2562 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.2562 of 2023

and

Crl.M.P(MD)No.2284 of 2023

Ravisankar

: Petitioner

Vs.

Muthuraman

: Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the order, dated 15.12.2022 made in Crl.M.P.No.5605 of 2022 in C.C.No.106 of 2021 pending trial on the file of the Fast Track Court (Magisterial Level), Kovilpatti and set aside the same.

For Petitioner : Mr.P.Selvakamatchi,

ORDER

This Criminal Original Petition filed, under Section 482 Cr.P.C., is directed against the order passed in Crl.M.P.No.5605 of 2022 in C.C.No.106



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of 2021, dated 15.12.2022, on the file of the Fast Track Court (Magisterial Level), Kovilpatti.

2.The respondent has filed a complaint under Section 200 Cr.P.C against the petitioner for the offence under Section 138 of Negotiable Instruments Act. When the case was posted for arguments, the petitioner has filed the above application, seeking permission to examine the complainant and one Poologapandian, who were already examined as P.W.1 and P.W.2 respectively and respondent East Police Station, Kovilpatti as defence witness.

3. The learned Judicial Magistrate, considering the objections raised by the respondent/complainant has passed the impugned order dated 15.12.2022, dismissing the said petition.

4. When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that the petitioner has filed an application to recall P.W.1 and P.W.2 for examination. Since P.W.1 and P.W.2 were already examined, the question of invoking Section 243 Cr.P.C to recall witnesses for cross examination does not arise at all. The said witness as defence witness cannot be entertained.



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5. Considering the entire facts and circumstances of the case, the impugned order dismissing the petition cannot be found fault with. Hence, this Court concludes that the above petition is devoid of merits and the same is liable to be dismissed. Accordingly, is dismissed. The petitioner is at liberty to file an application to recall P.W.1 and P.W.2 for cross examination, if advised so. However, if any such application is filed, the trial Court is directed to consider the same, if not filed earlier and pass orders in accordance with law. Consequently, connected Miscellaneous Petition is closed.

09.02.2023

NCC : Yes/ No
Index : Yes/No
Internet : Yes/ No
das

To

Fast Track Court (Magisterial Level),
Kovilpatti



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.2562 of 2023
and
Crl.M.P(MD)No.2284 of 2023

Dated: 09.02.2023