



Crl.O.P.(MD)No.5508 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.5508 of 2023

R.Selvakumar

...Petitioner/Accused

Vs.

M.Manimala

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to set aside the order in Crl.MP.No.6486/2022 in CC No.466/2018 on the file of the Judicial Magistrate at Bodinayakanur, Theni District.

For Petitioner : Mr.S.Selvaraj

ORDER

This Criminal Original Petition has been filed to call for the entire records pertaining to set aside the order in Crl.MP.No.6486/2022 in CC No.466/2018 on the file of the Judicial Magistrate at Bodinayakanur, Theni District.



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2. Now the grievance of the petitioner is that even as per the order of the trial Court, the case was posted for examination of defence side witness on 05.07.2022, on the date, the petitioner could not produce the defence side witness, so their evidence was suo-motu closed by the trial Court, without even giving opportunity to the petitioner to explain the reason.

3. Since the petitioner is facing charges under Section 138 of Negotiable Instrument Act and on considering the grievance of the petitioner, let one more opportunity be given to the petitioner on stringent condition. The petitioner is directed to pay Rs.5,000/- (Five Thousand Only) as cost to the complainant before the trial Court within a week from the date of receipt of copy of this order. On cost of deposit, the trial Court is directed to give one more opportunity to the petitioner to produce the defence side witness by fixing a particular date. On that date the petitioner must produce the defence side witness without fail. If any failure is noticed on the part of the petitioner, his further right will be forfeited forever.



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6. With the above said direction, this petition stands allowed.

24.03.2023

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

Indu

To

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

Indu

Order made in
Crl.O.P.(MD)No.5508 of 2023

Dated: 24.03.2023