



Crl.O.P.(MD)No.5537 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.5537 of 2023

Veeramani

... Petitioner/Accused

Vs.

M/s.SAR Enterprises,
Through its Proprietor,
Mr.S.Albert Rayan,
Represented through his power agent
Mr.A.Periyasamy.

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Cr.M.P.No.220/2023 in CC 286/2017 dated on 08/03/2023 on the file of the Learned Judicial Magistrate, Fast Track Court, Tuticorin, Tuticorin District and set aside the same.

For Petitioner : Mr.Ka.Raamakrishnan

ORDER

This Criminal Original Petition has been filed to call for the records in Cr.M.P.No.220/2023 in CC 286/2017 dated on 08/03/2023 on the file of the Learned Judicial Magistrate, Fast Track Court, Tuticorin,



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Tuticorin District and set aside the same.

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2. Reading of the order of the trial Court shows that the petitioner was put to question under section 313(1)(b) of Cr.P.C., on 02.08.2019, and after lapse of three years, the Cr.M.P. No.220 of 2023 in C.C.No.286 of 2017 has been filed. In spite of innumerable opportunities, the petitioner has failed to let in evidence, so the trial Court has closed the accused side evidence on 26.12.2022 and the matter was posted for arguments. After that the petitioner has come up to re-open the accused side evidence, but however the accused has failed to put forth any reason for summoning the said witnesses and the relevancy of the witness to the said case.

3. The learned counsel for the petitioner would submit that the due to COVID-19 lockdown, the petitioner could not explain the reason for summoning the accused side witness.

4. 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



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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 witness by fixing a particular date. On that date the petitioner must produce the accused side witness without fail. If any failure is noticed on the part of the petitioner, his further right will be forfeited forever.

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.

G.ILANGO VAN,J.



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Indu

Order made in
Crl.O.P.(MD)No.5537 of 2023

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