



Crl.R.C(MD)No.278 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.278 of 2019

and

Crl.M.P(MD)Nos.4074 & 4075 of 2019

U.Jeyakumar

... Petitioner/Petitioner/
Accused

Vs.

G.Kannan

... Respondent/Respondent/
Complainant

PRAYER: Criminal Revision Case filed under Section 397 & 401 of the Code of Criminal Procedure, to call for the records relating to the impugned order passed in Crl.M.P.No.5300 of 2018 in S.T.C.No. 360 of 2016, on the file of the learned Judicial Magistrate No.I, Fast Track Court at Magisterial Level, Madurai, dated 25.02.2019 and set aside the same and direct the trial Court to re-call P.W.1 and allow the petitioner to cross-examine them.

For Petitioner : Mr.Ezhilarasu
for M/s.S.Latha

For Respondent : Mr.C.Muthusaravanan



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ORDER

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This revision has been filed as against the order passed in Crl.M.P.No.5300 of 2018 in S.T.C.No.360 of 2016, on the file of the learned Judicial Magistrate No.I, Fast Track Court at Magisterial Level, Madurai, dated 25.02.2019, thereby allowed the petition filed under Section 311 of Cr.P.C to cross-examine P.W.1 on payment of costs of Rs.1,500/-.

2.The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act.

3.The complainant was examined as P.W.1. Even then, the petitioner failed to cross-examine P.W.1 and as such, the evidence of complainant was closed on 30.05.2018. However, the petitioner filed a petition in Crl.M.P.No.5300 of 2018 in S.T.C.No.360 of 2016, on the file of the trial Court under Section 311 of Cr.P.C to cross-examine P.W.1. It was allowed by the trial Court on condition that the petitioner shall pay a sum of Rs.1,500/- to P.W.1 on or before 22.02.2019. However, the petitioner failed to pay the cost and also the petitioner was called absent on 25.02.2019. Therefore, the petition was dismissed.



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4.The learned counsel appearing for the petitioner would submit that the petitioner is now ready and willing to pay costs as imposed by this Court to cross-examine P.W.1.

5.Considering the above submissions, the petitioner is permitted to cross-examine P.W.1 on or before 12.05.2023 on payment of costs of Rs.5,000/- to the respondent. If the petitioner fails to cross-examine P.W.1 within that stipulated period, the petition shall stand dismissed automatically without further reference to this Court.

6.Accordingly, this Criminal Revision Case is disposed of. Consequently, connected Miscellaneous Petitions are closed.

28.04.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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Note:- **Issue Order Copy on 28.04.2023.**

To

1.The Judicial Magistrate No.I,
Fast Track Court at Magisterial Level,
Madurai.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
Crl.R.C(MD)No.278 of 2019

28.04.2023