



*CrI.O.P.(MD)No.9930 of 2023*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

DATED : 07.06.2023

CORAM :

**THE HONOURABLE Mr. JUSTICE G.ILANGO VAN**

CrI.O.P.(MD)No.9930 of 2023

and

CrI.M.P(MD).No.7919 of 2023

SMK.Chokkalingam

... Petitioner

Vs.

Hemalatha

... Respondents

**Prayer :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order made in Cr.M.P.No.1178 of 2023 in C.C.No.123 of 2020 dated 24.05.2023 by the Judicial Magistrate, Fast Track Court (Magisterial Leval), Karaikudi.

For Petitioner : Mr.D.Venkatesh

**ORDER**

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., to set aside the order made in Cr.M.P.No.1178 of 2023 in C.C.No.123 of 2020 dated 24.05.2023 by the Judicial Magistrate, Fast Track Court (Magisterial Leval), Karaikudi.



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2. The petitioner is facing charges under Section 138 of Negotiable Instruments Act before the trial Court. During the course of trial, he filed an application to examine 3 persons on his side, to prove the defence. The said application was dismissed on the ground that the application was filed at the time of arguments and several opportunities were given to the petitioner, the petitioner has not chosen to produce any witnesses.

3. The learned counsel for the petitioner submitted that only for the security purpose, the disputed document was issued and to prove the same, examination of the witnesses is necessary and without considering the entire facts, the trial Court dismissed the petition.

4. Eventhough there is delay on the part of the petitioner for producing witnesses, one more opportunity is given to the petitioner to prove his case.

5. The petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) as costs to the complainant within a week and the petitioner shall file list of the witnesses and the petitioner must examine all the witnesses on a single day without seeking any adjournments. The witnesses to be produced within a week from the date of payment of the costs.



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6. The Judicial Magistrate, Fast Track Court (Magisterial Leval),

Karaikudi, is directed to complete the trial process in C.C.No.123 of 2020 within a period of two months from the date of appearance of the defence side witnesses.

7. With the above said direction, this petition stands allowed and the order passed by the the Judicial Magistrate, Fast Track Court (Magisterial Leval), Karaikudi, in Cr.M.P.No.1178 of 2023 in C.C.No.123 of 2020 dated 24.05.2023 is set aside. Consequently, the connected miscellaneous petitions are closed.

**07.06.2023**

Index : Yes/No  
Internet:Yes/No  
tta

To

Judicial Magistrate, Fast Track Court (Magisterial Leval),  
Karaikudi.



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**G.ILANGO VAN, J.,**

tta

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