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Crl.O.P.(MD)No.10913 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.06.2023**

CORAM:

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

Crl.O.P.(MD)No.10913 of 2023
and Crl.M.P.(MD).No.8710 of 2023

Jesuraj

... Petitioner/Accused

Vs.

Arunacalam

... Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, call for the records of the order in Crl.M.P.No.1072 of 2023 in C.C.No.189 of 2019 on the file of the Judicial Magistrate Court (Fast Track Court), Karaikudi, Sivagangai District, Dated 18.05.2023 and set aside the same.

For Petitioner : Mr.D.Rameshkumar

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed challenging the order in Crl.M.P.No.1072 of 2023 in C.C.No.189 of 2019 on the file of the Judicial Magistrate Court (Fast Track Court), Karaikudi, Sivagangai

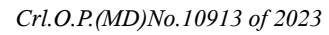


District, Dated 18.05.2023.

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2.The petitioner is facing charges under Section 138 of NI Act before the trial Court. He filed a petition to examine himself as a witness that was dismissed by the trial Court. Earlier on various occasions on petitions, he was allowed to examine himself, but, he failed to do so even after repeated adjournments. So the defence side evidence finally closed on 12.04.2023. Later, it was posted for arguments. Again this petition has been filed seeking permission to examine himself as witness, that was dismissed. Against which, the present petition has been filed.

3.Reading of the order that has been passed by the trial Court shows that sufficient opportunity was given to the petitioner to defend himself, which was not properly used by him. But, the learned counsel would submit that the cheque amount involved is Rs.15,00,000/- (Rupees Fifteen Lakhs only). Considering the cheque amount involved in this case, this Court is inclined to give one more opportunity to the petitioner on condition.



4. Accordingly, this Court passed the following order:

1. The order of dismissal passed by the learned Judicial Magistrate Court (Fast Track Court), Karaikudi, Sivagangai District, CrI.M.P.No.1072 of 2023 in C.C.No.189 of 2019, Dated 18.05.2023, is hereby set aside.
2. The petitioner must paid a sum of Rs.5,000/- (Rupees five Thousand only) as cost to the complainant, within a period of one week from the date of receipt of a copy of this order.
3. On such deposit, the trial Court is directed to permit the petitioner to examine himself by fixing a particular date. On that date, the petitioner must be cross examined. If any failure is noticed, then the further right to examine himself as defence side witness will be forfeited.

5. Considering the oldness of the crime and the case is of the year 2019, there shall be a direction to the the trial Court to expedite the trial process in this case and conclude the same within a period of **two** months from the date of receipt of a copy of this order.



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6. With the above said directions, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

20.06.2023

Index : Yes/No

Internet : Yes/No

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To

1. The Judicial Magistrate (Fast Track Court),
Karaikudi, Sivagangai District,
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN. J.

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