



Crl.O.P(MD)No.14424 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P(MD)No.14424 of 2023

and

Crl.M.P(MD)No.11366 of 2023

Tamilselvi

... Petitioner / Accused

Vs.

V.Palanisamy

... Respondent / complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records from the lower Court and set aside the impugned order in Crl.M.P.No.3178 of 2023 in C.C.No.73 of 2021 on the file of the Learned Judicial Magistrate No.1 at Dindigul District, dated 20.02.2023, by allowing this petition.

For Petitioner : Mr.A.Mohamed Riyaz

ORDER

This Criminal Original Petition filed to call for the records from the lower Court and set aside the impugned order in Crl.M.P.No.3178 of 2023 in C.C.No.73 of 2021 on the file of the Learned Judicial Magistrate No.1 at Dindigul District, dated 20.02.2023, by allowing this petition.



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2. Learned counsel for the petitioner submitted that the petitioner is facing charges under Section 138 of Negotiable Instruments Act, before the trial Court. He was cross examined by this petition on 06.02.2023 itself. After that the present application has been filed under Section 311 of Cr.P.C., to recall the witness, PW.1, for further cross examination, on the ground that he has received documents of material nature, showing the transaction between the petitioner and the defacto complainant. According to the learned counsel for the petitioner, the complainant Palanisamy is running a company by name Shanthini Finance Limited at Dindigul. According to the petitioner, the transactions said to have existed between the respondent and the complainant is not true, whereas the transaction mentioned in the document is vital for deciding the issue.

3. In view of the submissions made by the learned counsel for the petitioner, one more opportunity is given to the petitioner to cross examine P.W.1 in further, with regard to the above said documents on payment of Rs.2,000/-(Rupees Two Thousand only) before the trial Court. Let the trial Court be fix a date for appearance of the witnesses



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and on that date, the petitioner must cross examine them without delay.

If any failure is noticed, on the part of the petitioner, the order of this Court will automatically stand cancelled without further reference to the Court, further right of cross examination will be forfeited. It is made clear that the above said trial process be completed within the time stipulated by this Court. If any difficulty arises in complying the directions, the trial Court is at liberty to approach this Court with appropriate request.

4. With this direction and liberty, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition stands closed.

10.10.2023

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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To

The Judicial Magistrate No.1 at Dindigul District.

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G.ILANGO VAN, J

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Order made in
CrI.O.P(MD)No.14424 of 2023

Dated 10.10.2023