



**CrI.O.P.(MD).No.14213 of 2023**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2023

CORAM

**THE HON'BLE MR.JUSTICE G.ILANGO VAN**

**CrI.O.P.(MD).No.14213 of 2023**

**and**

**CrI.M.P(MD)No. 11148 of 2023**

Ayyappan

... Petitioner

Vs.

K.Perumal

... Respondent

**PRAYER :** Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records and set aside the order made in Cr.M.P.No.3158 of 2023 in S.T.C.No.726 of 2016 on the file of the Judicial Magistrate No.I, Pudukkottai, dated 17.07.2023.

For Petitioners : Mr.D.Venkatesh

For Respondent : Mr.G.Sridharan

**ORDER**

This Criminal Original Petition is filed to call for the records and set aside the order made in Cr.M.P.No.3158 of 2023 in S.T.C.No.726 of 2016 on the file of the Judicial Magistrate No.I, Pudukkottai, dated 17.07.2023.



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2. Learned counsel for the petitioner submitted that the petitioner is facing charges under Section 138 of Negotiable Instruments Act, in S.T.C.No.726 of 2016. After the Marathan trial process, at the fag end of the stage, a petition came to be filed by the petitioner to recall himself for the purpose of marking certain documents which are mentioned in the petition. That petition came to be dismissed by the trial Court stating that only to drag on the proceedings, that petition was filed. The earlier attempt to mark those documents was also failed. Seeking relief, this Criminal Original Petition came to be filed.

3. Learned counsel for the respondent also relied upon the order of this Court made in Crl.O.P.(MD)No.2577 of 2023 dated 09.02.2023, submitted that already an observation was made by this Court, stating that only to drag on the proceedings , the petitioner is filing repeated petitions.

4. No doubt, the case is of the issue 2016. But the learned counsel for the petitioner submitted that those documents are relevant for the purpose of proving his defence. According to the petitioner, the disputed cheque was not issued in favour of the respondent, but for some other



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person, against which only he took all the steps. To proving the same, he wants to produce those documents. Eventhough there is a delay on the part of the petitioner, the matter is of the year 2016, complete justice would not be rendered if the petitioner is prevented to mark those documents.

5. On that account, this Criminal Original Petition is allowed on payment of Rs.10,000/-(Rupees Ten Thousand only) to the respondent herein. On such deposit is being made, permission has to be granted to the petitioner to recall himself by the trial Court and the trial must be completed within a period of one month after examination of witnesses are over.

6. With the above said direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

**10.11.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

**Note:** Issue order copy on **15.11.2023**  
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**G.ILANGO VAN,J.**

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To

1. Judicial Magistrate No.I, Pudukkottai.
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

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