



CrI.O.P.(MD) No.17489 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

CrI.O.P.(MD) No.17489 of 2023

Krishnan

... Petitioner

Vs

A.Alagappan

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to set aside the order passed by the Judicial Magistrate(FTC) Level, Karaikudi in Cr.MP.No.2419/2023 in CC No.171/2019, dated 08.09.2023.

For Petitioner : Mr. Murughadasan P

For Respondents : Mr.R.Sundar Srinivasan

ORDER

This Criminal Original Petition had been filed to set aside the order passed by the Judicial Magistrate (FTC) Level, Karaikudi in Cr.MP.No. 2419/2023 in CC No.171/2019, dated 08.09.2023.



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2. On perusal of records, it is seen that based on the complaint filed by the respondent, proceedings have been initiated against the petitioner/accused under Section 138 of N.I. Act. The evidence on the side of the respondent/complainant was closed. The petitioner filed an application seeking permission to examine himself as a witness. Though permission was granted by the trial Court, the petitioner failed to examine his side witness. Therefore, on 17.08.2023, the evidence was closed by the trial Court, due to the attitude of the petitioner. Again, another application was filed by the petitioner seeking for the very same relief and the same was dismissed by the trial Court stating that the petitioner cannot file the very same petition before the same Court.

3. In view of the above, this Court is not inclined to interfere with the order by the trial Court. At this stage, the learned counsel appearing for the respondent submitted that one more opportunity may be given to the petitioner to adduce his side evidence with a condition.



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4.Considering the submission made by the learned counsel appearing for the respondent, the impugned order is set aside and this petition is allowed on condition that the petitioner must appear before the trial Court on **19.12.2023** and must close the evidence on the same day. Thereafter, the trial should be completed by the trial Court within a period of two months. If adjournment is sought by the petitioner it should not be granted.

04.12.2023

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

Note: Issue order copy on 06.12.2023

PNM

To
The Judicial Magistrate (FTC) Level, Karaikudi.



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G.ILANGOVAN, J.

PNM

ORDER IN
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