



CrI.O.P.(MD) No.17193 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.10.2023**

CORAM:

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

CrI.O.P.(MD)No.17193 of 2023

Indirani ...Petitioner / Petitioner Accused

Vs.

1.Thenarasu ...Respondent / Respondent / Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records to set aside the same and order passed in CrI M.P.No.2128 of 2023 in C.C.No.40 of 2021 dated 04/09/2023 on the file of the Judicial Magistrate Fast Track Court, Karaikudi, Sivagangai District.

For Petitioner :Mr.V.Karuna

ORDER

This criminal original petition has been filed to set aside the order passed in CrI.M.P.No.2128 of 2023 in C.C.No.40 of 2021, dated 04/09/2023, on the file of the Judicial Magistrate Fast Track Court, Karaikudi, Sivagangai District.



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2.The petitioner is facing charges under Section 138 of the Negotiable Instruments Act before the Judicial Magistrate, Fast Track Court, Karaikudi. After examination of witness on the side of the prosecution was over, the matter was posted for defence side witnesses for two years. The petitioner did not approach the concerned Court for letting the evidence by producing the witnesses. Later noting the lethargic attitude of the petitioner, the evidence was *suo motu* closed by the trial Court. Thereafter, petition under Section 311 Cr.P.C. was filed by the petitioner seeking direction and opportunity to let in defence side evidence. That was dismissed. Against which, the present petition has been filed.

3.No doubt, no proper reason has been given or assigned by the petitioner for the delay. However, since it is a case under Section 138 of the N.I Act, one more opportunity may be given to the petitioner to let evidence on his side. Inconvenience to the complainant may be compensated by way of cost. Let the petitioner deposit Rs.5,000/- to the credit of C.C.No.40 of 2021 on the file of the trial Court. On such deposit the trial Court is directed to reopen the defence side evidence. The petitioner shall produce his side witnesses before the trial Court, immediately. The trial process must be completed within a month.



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4.With the above said directions, this criminal original petition stands allowed to the extend noted above.

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

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TM

1.The Judicial Magistrate, Fast Track Court, Karaikudi.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

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