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Crl.O.P.(MD).No.19630 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.11.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.19630 of 2023
and Crl.M.P.(MD).No.15394 of 2023

P.R.Kumar

... Petitioner

Vs.

R.Ammayappan

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to set aside the order passed by the Learned Judicial Magistrate Fast track court, Srivilliputhur dated 12.09.2023 in Crl M.P No. 3527 of 2023 in C.C no. 279 of 2021.

For Petitioner : Mr.D.Venkatesh

For sole Respondent : Mr.A.Mohan

ORDER

This Criminal Original Petition is filed to set aside the order passed by the Learned Judicial Magistrate Fast track court, Srivilliputhur, dated 12.09.2023 in Crl M.P No. 3527 of 2023 in C.C no. 279 of 2021.



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2. The petitioner is facing charges under Section 138 of Negotiable Instruments Act and during the course of trial process, P.W.1 was examined in chief and with regard to the source of income, he stated about the financial status of the petitioner to lend money and a length cross examination was also made. It runs from page No.12 to 20 and 22. After cross examination is over, a petition was taken up by the respondent herein to examine one Ramamoorthi and Karuppaiah who are mentioned by him in the cross examination. That came to be allowed by the trial Court. Challenging the same this petition came to be filed by the petitioner stating that to fill up the lacuna only, the present petition has been filed by the respondent.

3. According to the learned counsel for the petitioner, even during the course of cross examination, no proper document is furnished by the respondent. A specific answer has been given by the respondent during the cross examination, regarding the source from which money was obtained. Now it is proper for the respondent to summon the above said persons to prove the issue.



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4. Absolutely I find no illegality in the order. Whether it has been used as a tool for filling up the lacuna, is the matter to be considered by the trial Court at the time of judgment. No interference is called for by this Court.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

29.11.2023

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

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To

The Judicial Magistrate Fast track court, Srivilliputhur.

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G.ILANGO VAN, J.

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