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CRL.O.P.No.728 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 19.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.728 of 2024

and

CRL.M.P.No.465 of 2024

1.M/s.Chennai Team Lines,
represented by its Proprietor,
Mr.P.Umamaheswaran,
having office at No.29/4,
LDG Road, Little Mount,
Saidapet, Chennai – 600 015.

2.P.Umamaheswaran,
S/o.Paneer Selvam

... Petitioners

Vs.

K.Rajesh,
S/o.Kathirvel

... Respondent

Prayer: This Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure to set aside the order passed by learned Metropolitan Magistrate, Fast Track Court No.I, Egmore at Allikulam, Chennai in Crl.M.P.No.30777/2023 dated 08.09.2023.



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For Petitioners : M/s.N.Vinothini

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ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed under Section 311 of Cr.PC to recall PW1 for further cross examination.

2. Heard the learned counsel for the petitioner and carefully perused the materials available on record.

3. The petitioner is facing trial before the Court below for offence under Section 138 of the Negotiable Instruments Act. The respondent / complainant examined himself as PW1 on 27.08.2021. Thereafter, after several adjournments were given, the petitioner cross examined PW1 partly on 21.09.2022. Even thereafter, the matter was posted for further cross examination on 13.10.2022 and the petitioner did not cross examine PW1. Hence, the evidence of PW1 was closed on 13.10.2022.



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4. The respondent / complainant filed an application for reopening the evidence of PW1 for marking additional documents on 25.05.2023. This was allowed and at that point of time also the petitioner had cross-examined PW1 on 23.06.2023. Thereafter, the petitioner was questioned under Section 313 (1) (b) of Cr.PC and the matter was posted for defence evidence. The petitioner at this stage has filed an application under Section 311 of Cr.PC to recall PW1 for further cross examination. This application came to be dismissed by the Court below on the ground that there are absolutely no merits in the application. Aggrieved by the same, the present Criminal Original Petition has been filed before this Court.

5. In the considered view of this Court, there is absolutely no ground to interfere with the order passed by the Court below. The Court below has assigned sufficient reasons as to how the petitioner was dragging the case for nearly nine months for cross examination of PW1. In a case under Section 138 of the Negotiable Instruments Act, the Court has to adopt summary procedure and the case cannot be endlessly kept pending at the convenience of the accused person. There is no illegality or infirmity in the



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order passed by the Court below and it does not require the interference of this Court.

6. In the light of the above discussion, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

19.01.2024

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Index :Yes/No
Internet:Yes
Speaking Order/Non-speaking Order

To

- (1) The Metropolitan Magistrate, Fast Track Court No.I, Egmore at Allikulam, Chennai.
- (2) The Public Prosecutor, High Court, Madras



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N.ANAND VENKATESH,J.

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