



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.1445 of 2024
and CRL.M.P No.1018 of 2024

M.Punithavathi

...Petitioner

Vs.

P.Pachaiappan

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the docket order dated 18.12.2023 in CMP No.4 of 2023 in STC No.674 of 2022 on the file of Judicial Magistrate No.1, Namakkal and permit the petitioner to examine the witness mentioned in CMP No.4 of 2023 in STC No.674 of 2022 on the file of Judicial Magistrate No.1, Namakkal.

For Petitioner : Mr.K.Prabakaran

ORDER

This criminal original petition has been filed challenging the order passed by the Court below in dismissing the application filed by the petitioner under Section 315 of Cr.P.C., by rejecting the request made by the petitioner for examination of DW2 to DW4 and permitting the petitioner to examine himself as DW.



2.The petitioner is facing trial Court before the Court below for offence under Section 138 of the Negotiable Instruments Act. After the completion of the examination of witnesses on the side of the complainant and the questioning under Section 313 of Cr.P.C., the case was at the stage of examining defence witnesses. The petitioner filed an application under Section 315 of Cr.P.C., and he wanted to examine four witnesses on the side of the defence.

3.The court below on considering the application filed by the petitioner, came to a conclusion that the examination of DW2 to DW4 has absolutely no relevance to the case and permitted the petitioner alone to be examined as DW1 on the side of the defence. Aggrieved by the same, the present criminal original petition has been filed before this Court.

4.This Court has carefully considered the submissions made by the learned counsel for the petitioner and the materials available on record.

5.This Court went through the application filed by the petitioner under Section 315 of Cr.P.C. The petitioner wanted to examine DW2 to DW4 only on the ground that these persons came along with the complainant and were orally abusing the petitioner in her house and the petitioner had also given a complaint in



that regard to DW4 which was enquired in CSR No.158 of 2020. In the considered view of this Court, this incident by itself would not have any relevance in this case.

That apart, on carefully going through the cross-examination of PW1, this Court finds that the petitioner has put sufficient questions to PW1 in this regard. That apart, the petitioner who is going to examine herself as DW1 can explain about this entire incident and the complaint that was given by her to the police can be marked through the petitioner. This complaint will bring out the so-called incident that had taken place.

6.In the light of the above discussion, this Court does not find any ground to interfere with the order passed by the Court below on 18.12.2023.

7.In the result, this criminal original petition stands dismissed.
Consequently, connected miscellaneous petition is closed.

30.01.2024

Index: Yes/No
Speaking order/Non-speaking Order
Neutral Citation: Yes/No
ssr



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N.ANAND VENKATESH, J

SSR

To

1.The Judicial Magistrate No.1, Namakkal

2.The Public Prosecutor,
High Court, Madras.

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