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Crl.R.C.No.87 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.87 of 2024 and
Crl.M.P.No.707 of 2024

Rajkumar

... Petitioner

Vs.

R.Alagusolaimalai

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 & 401 of Criminal Procedure Code, to call for records in Crl.M.P.No.3783 of 2023 in C.C.No.3990 of 2017 dated 27.10.2023 on the file of the Metropolitan Magistrate, Fast Track Court at Magisterial Level – IV, George Town and set aside the same and allow this revision petition.

For Petitioner : Mr.G.Gokul

ORDER

The petitioner, who is an accused in a private complaint filed by the respondent in C.C.No.3990 of 2017 for offence under Section 138 of the Negotiable Instruments Act, 1881, has filed a petition in Crl.M.P.No.3783 of 2023 in C.C.No.3990 of 2017 under Section 311 Cr.P.C., before the learned Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai (Trial Court) to recall respondent/PW1 and to permit the



petitioner to further cross examine the respondent/PW1. The Trial Court *vide* impugned order, dated 27.10.2023 dismissed the petition, against which the present Criminal Revision Case.

2.The learned counsel for the petitioner submitted that the erstwhile counsel not cross examined the respondent/PW1 as instructed by the petitioner, hence, the present counsel filed the petition under Section 311 Cr.P.C., to confront Exs.D1 to D6 and Exs.P7 & P8. But the Trial Court was erroneous in failing to consider the same. Hence, he prays for setting aside the impugned order of the Trial Court.

3.Considering the submissions and on perusal of the materials produced, it is seen that the petitioner already cross examined the respondent/PW1 and at the time of cross examination, the petitioner could very well ask questions regarding the documents Exs.D1 to D6 and Exs.P7 & P8. Now filing of such documents by the petitioner would no way improve the case of the petitioner. Further, the main case in C.C.No.3990 of 2017 is posted before the Trial Court on 30.01.2024.



4.In view of the above, the Trial Court had passed a well reasoned impugned order, which needs no interference of this Court. The paragraph No.2 of the impugned order is as follows:-

“2. The respondent/complainant has filed counter stating that the evidence was completed in November 2018 and the case was posted for DWs and at that stage, the accused filed CMP.No. 1157 /2018 to recall PW1, for further cross-examination, it was dismissed by this court, the accused preferred Crl.O.P.No. 10826/2019, the Hon'ble High Court has dismissed the above Crl.O.P.with direction to dispose the case within 3 months, thereafter CMP.No.6436/2019 was filed by the accused, it was also dismissed against which the accused preferred Crl.RC.No.353 of 2020 and it was also dismissed. Thereafter, the accused filed CMP.No.2014/2023 to reopen and to examine defence witness, it was allowed by this court, the accused adduced oral evidence and Ex.DI to D6 & Ex.P7 and P8 were marked, this petition has been filed to prolong the proceedings, the documents filed by the accused are not new documents and they are not connected to this case, only to delay the trial and to escape from the clutches of law this petition is filed and hence it is liable to be dismissed.”



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5.In view of the above, this Court does not find any merits consideration in this Criminal Revision Case and the same is dismissed confirming the impugned order, dated 27.10.2023 in Crl.M.P.No.3783 of 2023 in C.C.No.3990 of 2017. Consequently, the connected Criminal Miscellaneous Petition is closed.

22.01.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No

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To

The Metropolitan Magistrate,
Fast Track Court at Magisterial Level-IV,
George Town, Chennai.



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M.NIRMAL KUMAR, J.

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