



Crl.R.C.No.142 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.142 of 2024

and

Crl.M.P.No.1218 of 2024

Karthick

... Petitioner/Accused

Vs.

Varalakshmi

... Respondent/complainant

Prayer: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to set aside the order dated 20.12.2023 passed in Crl.M.P.No.18717 of 2023 in C.C.No.2986 of 2021 on the file of learned Metropolitan Magistrate, Fast Track Court V, Saidapet, Chennai – 600 015 and to allow the revision.

For Petitioner : Mr.M.K.Bhoopathy Rajan

ORDER

This revision has been filed seeking to set aside the order dated 20.12.2023 passed in Crl.M.P.No.18717 of 2023 in C.C.No.2986 of 2021 by the learned Metropolitan Magistrate, Fast Track Court No.V, Saidapet, Chennai – 600 015.



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2.The petitioner is facing trial on the complaint lodged by the respondent for offence under Section 138 of the Negotiable Instruments Act.

The complainant is represented by her Power Agent/her husband Y.Daniel.

The Power Agent had been examined as PW1. He had been cross examined in detail.

3.The contention of the petitioner is that the Power Agent is unable to give answers to certain questions, hence it is necessary to examine the Principal/Complainant.

4.It is seen from the Lower Court order that the Principal/wife of Power Agent had given birth to a child and she is nursing the new born child. Further, it was also found that the petitioner had cross examined PW1 in detail, putting all the questions and the answers have also been elicited. In view of the same, this Court finds that there is no necessity to summon



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K.Varalakshmi/complainant. If at all the Power Agent is unable to give answers to the questions of the petitioner and the Power Agent feigns ignorance, the petitioner can very well take recourse to the judgment in the case of *A.C.Narayanan Vs. State of Maharashtra and another* reported in (2014) 11 SCC 790.

5.This Court finds no reason to interfere with the judgment of the Lower Court. Accordingly, the Criminal Revision Case is dismissed. Since it is stated that the trial is at the penultimate stage, the Trial Court is directed to complete the trial within a period of two months from the date of receipt of a copy of this order. Consequently, connected Criminal Miscellaneous Petition is closed.

06.02.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

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M.NIRMAL KUMAR, J.

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To

1.The Metropolitan Magistrate,
Fast Track Court No.V, Saidapet,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

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and

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