



WEB COPY



1

Crl O.P. No.3939 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.3939 of 2024

and

Crl. M.P. Nos.2920 and 2922 of 2024

Sundaramoorthy S/o. Gopal

...Petitioner

Vs.

Revathy W/o. Mr. Suresh.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the impugned dismissal order dated 10.01.2024 passed in Crl. M.P. No.6659 of 2023 in C.C. No.463 of 2022 on the file of learned Judicial Magistrate, Fast Track Court, Alandur.

For Petitioner

: Mr. M. Rakhi

ORDER

This petition has been filed challenging the condition imposed by the Court below by directing the petitioner to deposit cost of Rs.5,000/- while allowing the petition filed under Section 311 of Cr.P.C. to recall PW1 for cross examination.



WEB COPY

2. Heard Mr. M. Rakhi, learned counsel for the petitioner and carefully perused the materials available on record.

3. The petitioner is facing trial under Section 138 of Negotiable Instruments Act. The respondent / complainant was examined as PW1. The witness was not cross examined and hence the evidence was closed. The petitioner filed an application to recall PW1 for cross examination. The Court below, by considering the facts and circumstances of the case, allowed the application by an order dated 10.01.2024. However, the Court below imposed a cost of Rs.5,000/- payable by the petitioner to the respondent / complainant. Aggrieved by the said condition imposed by the Court below, the present petition has been filed before this Court.

4. Taking into consideration the facts and circumstances of the case, this Court is inclined to reduce the cost to Rs.3,500/- payable by the petitioner to the respondent/ complainant. It is brought to the notice of this Court that the next hearing date in the above case is 07.03.2024. On that date, PW1 shall be present before the Court below and the petitioner shall pay a cost of Rs.3,500/- to the respondent / complainant and cross examination shall also be completed on the same day.



5. If, for any reason, the petitioner fails to comply with the above condition, the petitioner will lose his right to recall PW1 in future.

6. With the above directions, this Criminal Original Petition is disposed of. Connected miscellaneous petitions are closed.

22.02.2024

Index : Yes / No
Internet : Yes / No
mjs

Note: Issue Order Copy on Monday (26.02.2024).

To

The Judicial Magistrate,
Fast Track Court,
Alandur.



4

Crl O.P. No.3939 of 2024

N.ANAND VENKATESH, J.,
mjs

Crl.O.P.No.3939 of 2024

22.02.2024