



Crl.O.P.No.7439 of 2023

In the High Court of Judicature at Madras

Dated : 06.3.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Criminal Original Petition No.7439 of 2023
& Crl.M.P.Nos.4745 & 4746 of 2023

B.Jaiganesh

...Petitioner

Vs

A.U.Subramani

...Respondent

PETITION under Section 482 of the Criminal Procedure Code praying to set aside the order passed in Crl.M.P.No.13297 of 2022 in C.C.No.7728 of 2018 on the file of the Fast Track Court-Third Metropolitan Magistrate Court, Saidapet, Chennai dated 15.2.2023.

For Petitioner : Mr.K.Thiruvengadam
For Respondent : Mr.Varun Jeeva for
Mr.S.S.Swaminathan

ORDER

This is a petition filed by the petitioner challenging the order dated 15.2.2023 passed by the Court below in Crl.M.P.No.13297 of



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2022 in C.C.No.7728 of 2018 on the file of the Fast Track Court-Third Metropolitan Magistrate Court, Saidapet, Chennai, allowing the miscellaneous petition filed by the respondent/complainant under Section 311 of the Criminal Procedure Code to recall himself, who was examined as P.W.1 for the purpose of marking certain documents.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

3. The petitioner is facing trial before the Court below for an offence under Section 138 of the Negotiable Instruments Act. The respondent, who examined himself as P.W.1, wanted to rely upon certain documents in order to substantiate the transaction that took place between the petitioner and the respondent. The Court below properly appreciated the reasons that have been assigned by the respondent and allowed the miscellaneous petition. The impugned order passed by the Court below does not suffer from any illegality or infirmity warranting interference of this Court.

4. Accordingly, the above criminal original petition is dismissed.



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There shall be a direction to the Court below to complete the proceedings in C.C.No.7728 of 2018 within a period of two months from the date of receipt of a copy of this order. Consequently, the connected Crl.M.Ps. are also dismissed.

06.3.2024

To

1.The Fast Track Court-Third Metropolitan
Magistrate Court, Saidapet, Chennai.

2.The Public Prosecutor,
High Court, Madras.

RS



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N.ANAND VENKATESH,J

RS

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