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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.No.7674 of 2024

M.Radhakrishnan

... Petitioner

Vs.

The Punjab National Bank
Represented by
Mr.Subbiah Arunachalam
Chief Manager and
Authorized Officer (GPA Holder)
No.150, LUZ Church Road,
Mylapore, Chennai – 600 004.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned X Small Causes Court at Chennai to take the application on file, filed in Crl.M.P.No.SR.No.65/2024 dated 29.01.2024.

For Petitioner

: Mr.S.Ruban Prabu

ORDER

This criminal original petition has been filed for a direction to the Court below to number the application filed by the petitioner wherein, the petitioner is seeking for eschewing the evidence recorded from PW1.

<https://www.mhc.tn.gov.in/pdf> 2. In the considered view of this Court, there is no provision under Cr.P.C.,



for eschewing an evidence which is already recorded by the Court unless the case falls under Section 33 of the Evidence Act.

3.The main grievance of the petitioner seems to be that PW1/complainant is not present before the Court and every time the petitioner has to appear before the Court. Therefore, the complaint that has been filed in the year 2021 has not seen any progress.

4.Considering the grievance raised by the petitioner, there shall be a direction to the learned X Small Causes Court, Chennai to proceed further with the case in STC No.521 of 2021 and dispose of, within a period of two months from the date of receipt of copy of this order. Insofar as the evidence recorded from PW1, it is left open to the learned Magistrate to deal with the same in accordance with law.

5.This criminal original petition is disposed of in the above terms.

28.03.2024

Index : Yes/No
Internet : Yes/No
SSR



1. The X Small Causes Court at Chennai.

2. The Public Prosecutor,
High Court, Madras.



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N. ANAND VENKATESH, J.

SSR

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