



WEB COPY



Crl.OP.Nos.13677 and 13680 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.Nos.13677 and 13680 of 2024

and

Crl.MP.No.8326 of 2024

S.Muruganadham

... Petitioner
(in both Crl.OPs)

Vs.

S.Shanmugavadivu

... Respondent
(in both Crl.OPs)

Common Prayer: Criminal Original Petitions are filed under Section 482 of Criminal Procedure Code, to set aside the order dated 08.03.2024 passed by the learned Judicial Magistrate No.1, Udumalpet in C.M.P.No.574 of 2024 in S.T.C.No.25 of 2019.

For Petitioner : Mr.L.Mouli
(in both Crl.OPs)

COMMON ORDER

These two Criminal Original petitions filed to set aside the order passed by the trial Court on the applications filed by the petitioner herein under Section 254 (2) Cr.P.C and Section 311 of Cr.P.C.



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2. The petitioner herein is the accused in the complaint registered under Section 138 of Negotiable Instruments Act. These two petitions were filed after completion of trial and listed for arguments. The trial Court on considering the merits of the application has recorded that the examination of witnesses were over by 05.10.2023 and thereafter, the petitioner herein filed an application under Section 311 of Cr.P.C to examine Village Administrative Officer as a defense witness, but when the petition came up for hearing, there was no representation and hence, it was dismissed. Again, the accused has filed an application under Section 315 Cr.P.C to examine witnesses and the same was also allowed and opportunity was given.

3. In such circumstances, the petition under Section 311 of Cr.P.C to re-call Village Administrative Officer is not maintainable. Likewise, the application filed under Section 254(2) also to examine Bank Manager also does not warrant any positive consideration, since the petitions were filed belatedly at the fag end of the trial which is pending for more than five years.



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4. This Court testing the impugned order in the light of grounds raised by the petitioner herein finds that the reasons stated to file these two applications belatedly and after the failure to exercise the rights given by the Court is acceptable and no reasons to interfere the same. Hence, these Criminal Original Petitions are dismissed. Consequently, the connected miscellaneous petition is closed.

12.06.2024

Vv

To

1. The Judicial Magistrate No.1,
Udumalpet

2.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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