



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.14713 of 2024

Palaniammal		... Petitioner
	Vs.	
R.Dhanasekaran		... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order dated 19.03.2024 made in CMP.No.2373 of 2024 in STC.No.78 of 2017 on the file of the Judicial Magistrate – II, Erode, in so far as rejecting the petitioner's claim to examine list of witness Nos.2 and 3 therein.

For Petitioner : Mr.V. Balamurugane

ORDER

This petition is filed challenging the order passed by the trial court in application filed under Section 311 of Cr.P.C., wherein the prayer of the petitioner is partly allowed. As against the decline portion of the prayer, the present petition is filed.



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2. To be precise, the application filed and the same three witness on the defence side been considered by the trial court and allowed to the extent to summon one Ramanathan whose name been mentioned by the witnesses in the examination, whereas the other two witnesses Nelvaiyen and Jagadeesan, there is no reference and hence, the trial court has declined to cause summon to them. The reason stated by the trial court is as follows:

“6. This petition u/s.254(2) Cr.P.C., were filed by the petitioner/Accused to permit the petitioner to examining 1.Mr.Ramanathan, 2) Mr.Nelvaiyen, 3) Mr.Jaagadeesan, as defence witnesses to prove the travelling of the cheque in issue. On perusal of the answer given by accused while being examined u/s.251 and 313(1) (b) of Cr.P.C., nothing had been stated by involving the proposed listed witnesses into this case. Further, on perusal of the questions raised during the cross examination of PW1, some suggestions raised to the complainant that some persons namely 1) Vasudevan, 2) Chinnaraj@ Rajagobal. 3) Sankaran, were obtained original title documents, signed stamp papers and signed cheques from the accused and his husband on false promise of they are arranging loan for the husband of the accused to the tune of Rs.5 Cr., but



they are neither arranged the loan nor returned the documents obtained from the accused and his husband. However, nothing had been stated about the proposed witness No.2 and 3 either in cross examination nor in this petition. Hence, this court considered view that this petition does not deserve any merit consideration with regard to proposed witness No.2 and 3. “

3. This court finds that the reasoning given by the trial court is based on the fact and records and therefore, there is no ground to interfere with the order. Hence, this petition is dismissed.

05.07.2024

Index : Yes/No

Neutral Citation : Yes/No

gv

To

The Judicial Magistrate – II,

Erode



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Dr.G.JAYACHANDRAN,J.

gv

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