



Crl.O.P.No.9885 of 2023

In the High Court of Judicature at Madras

Dated : 11.1.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Criminal Original Petition No.9885 of 2023

P.V.Krishnaprasad

...Petitioner

Vs

S.Premkumar

...Respondent

PETITION under Section 482 of the Criminal Procedure Code praying to set aside the order dated 23.3.2023 passed in Crl.M.P.No. 3265 of 2023 in C.C.No.4623 of 2018 pending on the file of the Fast Track Court No.1, Metropolitan Magistrate, Egmore @ Allikulam, Chennai and permit the petitioner to reopen his defense witness as prayed in Crl.M.P.No.3265 of 2023.

For Petitioner : No appearance
For Respondent : Mr.S.P.Sathish Kumar

ORDER

When the matter is taken up for hearing, the learned counsel for



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the petitioner has submitted that he has already given consent for change of vakalat and returned back the bundle. Heard the learned counsel appearing for the respondent.

2. In view of the said submission, this petition is taken up for final disposal based on the materials available on record.

3. This is a petition filed by the petitioner challenging the order passed by the Court below dismissing the application filed by him under Section 311 of the Criminal Procedure Code to reopen the evidence on the side of the defence and to permit him to examine some of the witnesses.

4. The petitioner is facing trial before the Court below for an offence under Section 138 of the Negotiable Instruments Act. The evidence on the side of the respondent/complainant was over and the case was at the stage of final arguments. At that stage, an application was filed to reopen the case on the side of the defence.

5. The Court below considered the request made by the



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petitioner and gave sufficient reasons as to why the application did not have any merits. The Court below found that the petitioner's attempt to prove the defence need not be done by examining the wife of the complainant and the concerned bank manager and that he himself could very well produce all the relevant documents. Therefore, the Court below came to the conclusion that the application has been filed to drag on the proceedings. This Court does not find any illegality or infirmity in the order passed by the Court below and it does not require any interference by this Court.

6. In the result, the above criminal original petition is dismissed. There shall be a direction to the Court below to complete the proceedings in C.C.No.4623 of 2018 within a period of two months from the date of receipt of a copy of this order.

11.1.2024

To

1.The Fast Track Court No.1,
Metropolitan Magistrate,
Egmore @ Allikulam, Chennai.

2.The Public Prosecutor,
High Court, Madras.

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