



Crl.R.C.No.978 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.978 of 2024
and Crl.M.P.No.8288 of 2024**

L.Fukokuva Leyanstic Anandh

... Petitioner

Vs.

I.Nimal Prabudoss

... Respondent

PRAYER : Criminal Revision filed under Sections 397 and 401 of the code of Criminal Procedure, to set aside the order dated 29.04.2024 made in Crl.M.P.No.11533 of 2024 by the Fast Track Court No.II, Metropolitan Magistrate, Allikulam, Chennai.

For Petitioner : Mr.N.Ramakrishnan

For Respondent : Mr.S.Sankar



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ORDER

The Criminal Revision Petition is filed against the order dated 29.04.2024 passed in Crl.M.P.No.11533 of 2024 in S.T.C.No.5622 of 2023 by the learned Metropolitan Magistrate, Fast Track Court No.II, Allikulam, Chennai.

2. The case of the petitioner is that the petitioner is the accused in the complaint filed by the respondent under Section 138 of Negotiable Instrument Act, which was taken on file in S.T.C.No.5622 of 2023 and after completion of the complainant's side witness, the matter was posted for questioning the petitioner under Section 313 Cr.P.C. At the time, the petitioner filed a petition in Crl.M.P.No.1533 of 2024 for examination of two defence witnesses, namely, Suresh and Sindhu, and the same was dismissed. Challenging the same, the present petition has been filed.



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3. The learned counsel appearing for the petitioner submits that mere examination of two defence witnesses will not cause any prejudice to the interest of the respondent/complainant and he can very well cross-examine the defence witnesses. However, the said aspect was not considered by the trial Court and the trial Court dismissed the petition. Hence, this Court may set aside the impugned order and issue a direction to the trial Court to fix a date for appearance of two defence witnesses and on that date, the petitioner will examine the defence witnesses and the respondent may also cross-examine the defence witnesses.

4. The learned counsel appearing for the respondent has no objection for this petition being allowed and submits that the next date of hearing is 06.07.2024.



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5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

6. It appears that the respondent has made a complaint against the petitioner under Section 138 of Negotiable Instruments Act before the learned Metropolitan Magistrate, Fast Track Court No.II, Allikulam, Chennai and the same was taken on file in S.T.C.No.5622 of 2023, wherein, the petitioner has filed a petition in Crl.M.P.No.11533 of 2024 for examination of two defence witnesses, namely, Suresh and Sindhu, but, it was dismissed. However, merely examining two witnesses will not cause any prejudice to the interest of the respondent and the respondent also can very well cross-examine the two defence witnesses which are going to be examined by the petitioner. Hence, this Court is inclined to set aside the impugned order dated 29.04.2024 passed in Crl.M.P.No.11533 of 2024 in S.T.C.No.5622 of 2023 by the learned Metropolitan Magistrate, Fast Track Court No.II, Allikulam, Chennai, and accordingly, it is set aside. The



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petitioner is directed to produce the two defence witnesses before the trial Court on **06.07.2024** and on that date, the petitioner shall examine the defence witnesses and the respondent/complainant is also directed to cross-examine the defence witnesses.

7. Accordingly, the Criminal Revision Petition is allowed.

Connected miscellaneous petition is closed.

19.06.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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To

The learned Metropolitan Magistrate,
Fast Track Court No.II, Allikulam, Chennai.



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M.DHANDAPANI, J.

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