



Crl.OP.No.13273 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.13273 of 2024

and

Crl.MP.No.8091 of 2024

B.S.Venkatesh

... Petitioner

Vs.

Narasimhan

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order passed in Crl.MP.No.07/2024 in S.T.C.No.67 of 2020 dated 15.04.2024 on the file of the learned Judicial Magistrate, Fast Track Court, Hosur, Krishnagiri District and direct the trial Court to permit the petitioner to take defense side evidence in the trial Court.

For Petitioner : Mr.P.Saravanan

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is challenging the order of the trial court dismissing the application filed under Sections 311 and 91(1) of



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Cr.P.C. The petitions were filed by the accused to re-open and summoned the Bank Manager for production of documents and also permit her to marshal defence witness.

2. On perusal of the records, it is clear that these two applications are filed after completion of questioning the accused under Section 313 (1)(b) of Cr.P.C. The reason for not attending the Court, when the matter was posted for examination of defense side witnesses, not satisfactorily explained and the applications to summon the Bank officials for production of documents does not have any foundational fact. When there is no valid reason to re-open the case for permitting further witnesses and foundational facts what for the protection of bank account and served copy of the summons issued by District Crime Branch is relevant is not available, the dismissal of application is justifiable. Therefore, this Court finds that the order of the trial Court dismissing the application is in accordance with law and dictum of the Hon'ble Supreme Court as cited in the impugned order. Hence, this Court finds no reason for interference in the said order. Hence, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

07.06.2024



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- Vv
- To
1. The Judicial Magistrate,
Fast Track Court, Hosur,
Krishnagiri District



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Dr.G.JAYACHANDRAN,J.

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