



Crl.O.P.No.13366 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:12.06.2024

CORAM:

THE HONOURABLE DR JUSTICE G.JAYACHANDRAN

Crl.O.P.No.13366 of 2024

and

Crl.M.P.No.8106 of 2024

Dhanapal Shankaran

.. Petitioner

/versus/

Rohini

.. Respondent

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to set aside the order dated 22.03.2024 passed in Crl.M.P.No.18 of 2024 in C.C.No.23 of 2021 on the file of the learned Judicial Magistrate-I, Mathurandakam.

For Petitioner :M/s Kingston Jerold

ORDER

The petitioner herein is the complainant before the Judicial Magistrate No.1, Maduanthakam, in C.C.No.23 of 2021 initiated under Section 138 of Negotiable Instruments Act, 1881.



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2. On completion of examination of witnesses, he has taken out the petition under Section 311 of Cr.P.C., to introduce two documents namely, the complaint given by him against the accused before the Maduravoyal Police Station and a copy of the CSR obtained.

3. The trial Court has rejected the petition to recall and reopen on the ground that these two documents pertaining to the complaint given on 11.12.2019 to the Maduravoyal Police Station but there is no whisper about the complaint in the private complaint initiated under Section 138 of Negotiable Instruments Act, 1881 nor the complainant has spoken about this complaint in his examination in chief.

4. This Court on perusing the records and hearing the counsel for the petitioner finds that the petition filed under Section 311 of Cr.P.C., to reopen and recall does not disclose, how these two documents are relevant and why these existing two documents were not disclosed in the deposition of the chief examination. Therefore, introducing the new facts and new documents at the fag end of the trial cannot be entertained. The



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trial Court has rightly declined to entertain the petition. This Court finds that the reasons stated by the trial Court is upheld. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

12.06.2024

Index:yes/no

Speaking order/non speaking order

Neutral Citation:yes/no

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To

The Judicial Magistrate No.1, Maduranthakam.



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DR.G.JAYACHANDRAN,J

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