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CrL.OP.No.14528 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrL.OP.No.14528 of 2024

and

CrL.MP.No.8868 of 2024

Balusamy

... Petitioner

Vs.

Paramasivam

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 29.05.2024 passed in C.M.P.No.04 of 2024 in S.T.C.No.04 of 2022 (on the file of the Judicial Magistrate Fast Track Court, Attur and permit the petitioner to examine himself as a defense witnesses DW1.

For Petitioner : Mr.S.Silambu Selvan

ORDER

This Criminal Original Petition is filed to set aside the order of dismissal passed by the Judicial Magistrate Fast Track Court in CMP.No.4 of 2024 in STC.No.4 of 2022 dated 29.05.2024 filed under Section 315 of Cr.P.C.

2. The petitioner herein is an accused in cheque bounce case initiated under Section 138 of Negotiable Instruments Act. On his petition, he was permitted to examine himself, as defense witness and was posted for hearing on



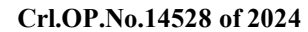
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05.04.2024. Since the petitioner did not mount the witness box on that day, the case was adjourned to 10.04.2024. All these hearing dates, the petitioner was not present. So, the trial Court has dismissed the petition filed under Section 315 of Cr.P.C. Being aggrieved, the present petition is filed to set aside the said order.

3. The perusal of the impugned order clearly indicates that the examination of complainant's side witnesses was completed as early as January-2023 and when the matter was posted for Judgment on 21.02.2023, the petitioner has filed miscellaneous petitions for re-call and re-open and the same was allowed.

4. Thereafter, for the second time, he has filed petition under Sections 311 and 315 of Cr.P.C, the same was allowed to afford an opportunity to the petitioner herein. While so, the petitioner has not availed those opportunities inspite of cases been adjourned thrice with condition stating, “last chance and no further adjournments will be granted”. Despite that, when the case was listed on 22.04.2024, the petitioner failed to attend the Court and mount the witness box to putforth his case.

5. In the petition, it is stated that due to the demise of his distant relative on 09.04.2024, the petitioner was unable to attend the Court on 22.04.2024. If it is the first time, the petitioner failed to turn up to the Court, the said reasoning might have carried some merit, but after closing defense side witness and the



6. On cumulative assessment of the conduct of the petitioner, the trial Court has recorded reason why the application was filed under Section 315 of Cr.P.C could not be entertained.

7. This Court finds that the reasoning of the trial court is in consonance with law and the dismissal does not warrant any interference. Hence, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

21.06.2024

 V_v

To

1. The Judicial Magistrate Fast Track Court,
Attur
2. The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.



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