



WEB COPY



Crl.O.P.No.16807 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.16807 of 2024

and

Crl.M.P.No.10138 of 2024

M.Vinoth Kumar

... Petitioner

Vs.

R.Gunasekar

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order dated 15.06.2024 passed in Crl.M.P.No.3274 of 2024 on the file of the Judicial Magistrate Fast Track Court No.1, Erode by allowing the present petition.

For Petitioner : Mr.M.Karthik

ORDER

The petitioner herein is the accused in a private complaint in S.T.C.No.263 of 2021 pending on the file of the Judicial Magistrate Fast Track Court No.I, Erode. He has filed an application to reopen the case on the day when the case is listed for arguments.



CrI.O.P.No.16807 of 2024

WEB COPY 2.

According to the petitioner, the case has been reopened and the Bank Manager, Indus Ind bank was summoned to prove his case. The trial Court taking note of the fact that the petitioner has taken application for reopen and recall for the second time. His earlier petition was allowed on 21.01.2024 and witness summon was sent to the Bank Manager. When the witness/accused had not taken steps for securing the presence of the Bank Manager, earlier petition was closed and the case was posted for arguments on 27.03.2024. At that stage, the second petition is filed for reopen and recall, the trial Court has felt that the cheque is a CTS cheque. Therefore, dismissed the petitions for the reason that the examination of Bank Manager is not going to serve any purpose.

3. The learned counsel appearing for the petitioner states that to establish the subject cheque, which was issued long back and cheque given as a security been misused. Therefore, to establish the said facts examination of Bank Manager is required.

4. This Court finds that the examination of Bank Manager will



Crl.O.P.No.16807 of 2024

not serve the purpose of which the petitioner intend to recall him.

Therefore, there is no merit in this petition. Hence this Criminal Original Petition is dismissed confirming the order passed by the Court below. Consequently, the connected Criminal Original Petition is also dismissed.

18.07.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

The Judicial Magistrate Fast Track Court No.1, Erode.



WEB COPY



Crl.O.P.No.16807 of 2024

Dr.G.JAYACHANDRAN,J.

rpl

Crl.O.P.No.16807 of 2024

18.07.2024