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CrI.O.P.No.16759 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM

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

CrI.O.P.No.16759 of 2024

and

CrI.M.P.No.10113 of 2024

1.M/s.Continuum Ventures Pvt.Ltd.,
P2, 2nd Cross Street,
Turn Bulls Road,
Nandanam, Chennai-600 035.

2.Mrs.Ashokan Varalakshmi,
Director,
M/s.Continuum Ventures Pvt.Ltd.,
Turn Bulls Road,
Nandanam, Chennai-600 035.

... Petitioners

Vs.

M/s.Adani Enterprises Limited
Rep.by its Authorised Representative,
Mr.R.Sadasivam
Respondent

...

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records in S.T.C.No.11144/2023 (Pending on the file of the learned Metropolitan Magistrate Fast Track Court II at Egmore, Chennai) and set aside the docket order dated 01.07.2024 with regard to the posting of the case for questioning under Section 313 of Cr.P.C., and consequently, direct the trial Court to permit the petitioners to cross examine the complainant witnesses in S.T.C.No.11144 of 2023 (Pending on the file of the learned Metropolitan Magistrate Fast Track Court II at Egmore, Chennai)



CrI.O.P.No.16759 of 2024

For Petitioner : Mr.R.Vivekananthan

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ORDER

The petitioner herein is an accused in the complaint under Section 138 of Negotiable Instruments Act. When the complainant was present, the accused/ petitioner absent, Section 317 Cr.P.C., petition was allowed. Since there was no cross examination of the witnesses, the trial Court has recorded the prosecution side closed and posted Section 313 Cr.P.C. for questioning of accused.

2. The learned counsel appearing for the petitioner submits that he has taken out an application under Section 91 Cr.P.C., for questioning of document and the same was allowed. Before he could get the certified copy of those documents and confronted the witness, the trial Court has closed the prosecution witnesses and proceeded to the next stage.

3. This Court finds that when the witness was present, the accused was absent, filed a petition under Section 317 Cr.P.C. Having failed to utilise the opportunity given to cross examine the witness, he cannot find fault with the Magistrate who has proceeded to the next stage. If at all the petitioner is aggrieved, he shall resort to appropriate



CrI.O.P.No.16759 of 2024

provision of law for recalling the witness assigning sufficient reason.

Without filing the petition before the trial Court, he has straight away filed petition under Section 482 Cr.P.C.. This Court finds no merit in this petition. Hence this Criminal Original Petition is dismissed.

16.07.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

The Metropolitan Magistrate Fast Track Court II at Egmore, Chennai

Dr.G.JAYACHANDRAN,J.



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CrI.O.P.No.16759 of 2024

rpl

CrI.O.P.No.16759 of 2024

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