



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.1227 of 2024
and CRL.M.P No.891 of 2024

P.M.Mageswaran

...Petitioner

Vs.

P.M.Shanthini

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order dated on 01.12.2023 in CrI.M.P.No.6415/2023 against CC.No.89/2018 pending before the Judicial Magistrate Fast Track Court (Magistrate Level) at Alandur and permitted to allow this petition for take his further witness of this petitioner.

For Petitioner : Ms.K.Bhuvaneswari

ORDER

This criminal original petition has been filed challenging the order passed by the Court below in CrI.M.P.No.6415 of 2023 dated 01.12.2023, dismissing the application filed by the petitioner under Section 311 of Cr.P.C., to recall and re-examination of DW1 and DW2.



2.This Court carefully considered the submissions made by the learned counsel for the petitioner and the materials available on record.

3.The petitioner is facing trial for offence under Section 138 of the Negotiable Instruments Act. The evidence on the side of the complainant was completed as early as on 27.04.2019. Thereafter, the case was at the stage of examining defense side witnesses. On carefully going through the order passed by the Court below, it is seen that the case is pending at the stage of examination of defense side witnesses for more than two years. The petitioner seem to be filing one application after another and the Court below has rightly come to the conclusion that the petitioner is only intending to drag on with the proceedings. DW1 to DW3 have already been examined on the side of the petitioner. That apart, the petitioner also examined DW4 who is the husband of the complainant. That apart, the petitioner filed an earlier application to recall PW1 and this petition was dismissed by an order dated 23.06.2023. Apart from that, the petitioner also filed a petition under Section 45 of the Evidence Act which was also dismissed. The applications that are filed from the side of the petitioner seems to be endless and a proceeding under Section 138 of the Negotiable Instruments Act which is summary in nature cannot be permitted to be conducted in this manner.



4.This Court does not find any illegality or infirmity in the order passed by the Court below and the same does not require the interference of this Court.

5.Accordingly, this criminal original petition stands dismissed.
Consequently, connected miscellaneous petition is closed.

30.01.2024

Index: Yes/No
Speaking order/Non-speaking Order
Neutral Citation: Yes/No
ssr

To

- 1.The Judicial Magistrate Fast Track Court (Magistrate Level) at Alandur.
- 2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSR

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