



CrI.O.P.(MD)No.5210 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.5210 of 2024

and

CrI.M.P.(MD)No.4098 of 2024

R.Santhanamuthu

... Petitioner

Vs.

Murugalakshmi

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and set aside the order dated 06.02.2024 passed in C.M.P.No.242 of 2024 in STC.No.213 of 2022 on the file of learned Fast Track Magistrate Court, Thoothukudi, Thoothukudi District.

For Petitioner

: Mr.C.Suresh Kannan

ORDER

The petitioner filed this petition challenging the order dated 06.02.2024 passed in C.M.P.No.242 of 2024 in STC.No.213 of 2022 on the file of learned Fast Track Magistrate Court, Thoothukudi, Thoothukudi District.



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WEB COPY 2. The petitioner is an accused in STC.No.213 of 2022 for the offence under Section 138 of the Negotiable Instruments Act, pending on the file of the learned Fast Track Magistrate Court, Thoothukudi, Thoothukudi District. The respondent herein filed the above said case and marked Ex.P.1 to Ex.P.5 on 18.07.2022 and thereafter case was posted on 09.11.2022 for cross examination by the petitioner herein. However, till 14.02.2023, the petitioner has not chosen to cross-examine. On 06.03.2023, when the case was posted for questioning under Section 313(1) Cr.P.C., the petitioner submitted that there are witnesses on his side. However, on 22.05.2023, the petitioner filed a petition under Section 311 Cr.P.C., to cross-examine P.W.1 and the same was allowed on cost of Rs.1,000/-. Even thereafter, the petitioner has not chosen to cross-examine the respondent till 17.10.2023. On 08.11.2023, the petitioner filed a petition in Cr.M.P.No.8127 of 2023 under Section 311 Cr.P.C., and the same was dismissed on 23.11.2023. The petitioner, without challenging the dismissal order dated 23.11.2023, filed another petition to cross-examine P.W.1 and it was dismissed. Challenging the same, the present petition came to be filed.



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3.Though sufficient opportunity was provided, the petitioner failed to make use of the same. Therefore, this Court finds no ground to entertain this petition. However, if the petitioner comes forward to deposit 10% of the cheque amount, the Court below shall provide one more opportunity to the petitioner to cross-examine P.W.1.

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

04.04.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
gns

To

The Fast Track Magistrate Court,
Thoothukudi,
Thoothukudi District.



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B.PUGALENDHI,J

gns

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