



CRL OP(MD). No.5809 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 05.02.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

**CRL OP(MD) No.5809 of 2022
and CrI.M.P.No.4104 of 2022**

Selvi

... Petitioner

Vs

N.Jayakumar

... Respondent

PRAYER :- Criminal Original Petition file under section 482 of Cr.P.C., to pleased to call for the records of the learned Judicial Magistrate, Bodinayakkanur, Theni in Cr. M.P. No.3881 of 2021 in STC.NO.11 of 2018 and set aside the order dated 14.12.2021.

For Petitioner : M/s. S. Mahendrapathy

For Respondent : No appearance

ORDER

This petition has been filed to set aside the order dated 14.12.2021 passed by the learned Judicial Magistrate, Bodinayakkanur, in Cr. M.P. No.3881 of 2021 in STC.NO.11 of 2018.



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2.The petitioner was implicated for the offence under Section 138 of the Negotiable Instruments Act in STC No.11/2018. While so, in order to recall the witness, viz., P.W.1, for cross-examination, the petitioner has filed a petition in Crl.M.P.No.3881/2021, which was dismissed by the court below and hence, the petitioner is before this Court with this petition.

3. The learned counsel for the petitioner would submit that during cross-examination of P.W.1, since the petitioner did not put forth the fact regarding demonetization, he seeks for recalling the witness/P.W.1. He would further submit that a direction may be issued for recalling the witness, in which case, the petitioner pays necessary costs.

4. Considering the facts and circumstances of the case and in order to afford an opportunity to the petitioner herein to cross-examine P.W.1, this petition is disposed of with the following direction:

The trial court shall issue notice to P.W.1 fixing the date of hearing and on the said date, the petitioner herein shall cross-examine the said



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witness, in which case, the petitioner shall pay a cost of Rs.5,000/-
(Rupees five thousand only) to P.W.1. Consequently connected
Miscellaneous Petition is closed.

05.02.2024

RR

TO

1. The Judicial Magistrate,
Bodinayakkanur,
Theni.



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M.DHANDAPANI. J

RR

**ORDER
IN
CRL OP(MD) No.5809 of 2022**

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