



CrI.O.P.(MD)No.6123 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.6123 of 2024

M.Alagappan

... Petitioner

versus

K.Samuel

... Respondent

Petition filed under Section 482 Cr.P.C. seeking a direction to set aside the order passed in Cr.M.P.No.9218 of 2023 in C.C.No.57 of 2016, dated 05.03.2024 on the file of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Thoothukudi and to summon the witness on his behalf.

For Petitioner : Mr.P.T.Ramesh Raja

ORDER

The petitioner, who is an accused in C.C.No.57 of 2016, has filed this petition challenging the dismissal order, dated 05.03.2024, passed by the trial Court in Cr.M.P.No.9218 of 2023, filed under Section 311 of Cr.P.C. to



CrI.O.P.(MD)No.6123 of 2024

examine the Sub Registrar for the purpose of marking certain documents.

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2.The case in C.C.No.57 of 2016 was instituted against the petitioner for the offence under Section 138 of Negotiable Instruments Act. P.W.1 was examined in the year 2019. The case was also referred to the Lok Adalat in the year 2022 and thereafter, it was posted for arguments on 24.01.2023. The petitioner has filed an application on 04.07.2023 and therefore, further evidence was recorded on 19.07.2023 and again it was listed for arguments on 31.07.2023. The petitioner has filed another application on 08.08.2023 and therefore, the case was again listed for evidence from 23.08.2023 to 20.10.2023 and posted for arguments on 04.11.2023. On 09.11.2023, the petitioner has filed this application in Cr.M.P.No.9218 of 2023 under Section 311 of Cr.P.C. to examine the Sub Registrar for the purpose of marking certain documents. The same was dismissed by the trial Court that if the petitioner is really interested in establishing his case, he ought to have obtained a certified copy from the Sub Registrar and could have relied upon the same during his evidence. The petitioner has failed to produce the particulars and filed this petition to recall for examining the Sub Registrar



CrI.O.P.(MD)No.6123 of 2024

for an application under Section 91 of Cr.P.C.

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3.Since the case is pending from the year 2016, this Court is not inclined to entertain this petition. Hence, this petition is dismissed.

22.04.2024

NCC : Yes / No.

Index : Yes / No.

Internet: Yes / No.

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To

1. Judicial Magistrate, Fast Track Court (Magisterial Level), Thoothukudi.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.6123 of 2024

B.PUGALENDHI, J.

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Crl.O.P.(MD)No.6123 of 2024

22.04.2024