



Crl.O.P.(MD)No.8708 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 19.06.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.8708 of 2024

Alagu Subbulakshmi ... Petitioner/Petitioner/Accused

Vs.

K.Ramachandran ... Respondent/Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned order passed by the learned Judicial Magistrate, Vadipatti in Cr.M.P.No.1458 of 2024 in S.T.C.No.212 of 2022, dated 11.03.2024 and set aside the same.

For Petitioner : Mr.RV.Rajkumar

ORDER

The Criminal Original Petition has been filed to set aside the order made in Cr.M.P.No.1458 of 2024 in S.T.C.No.212 of 2022, dated 11.03.2024 on the file of the learned Judicial Magistrate, Vadipatti.



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2.The petitioner is an accused in a complaint which has been instituted for the offence under Section 138 of the Negotiable Instruments Act. She has filed an application under Section 311 of Cr.P.C. before the learned Judicial Magistrate, Vadipatti, in Cr.M.P.No.1458 of 2024 to reopen the case and recall D.W.1, the Deputy Work Manager, Government Press, Madurai. The same was dismissed by the learned Judicial Magistrate, Vadipatti, by an order dated 11.03.2024. Challenging the same, the present petition is filed.

3.The learned counsel for the petitioner submits that a vital document needs to be marked before the trial Court and for that purpose only, she has summoned D.W.1. However, the document was not placed and therefore, she has filed this application for recalling D.W.1.

4.This Court considered the submissions of the learned counsel for the petitioner and also perused the order passed by the trial Court.



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5.The complainant's side evidence was concluded on 08.11.2022 and the matter was posted for questioning under Section 311(1)(b) of Cr.P.C. on 22.11.2022. The petitioner has filed an application to summon the defence witness including D.W.1. However, the petitioner has not taken the process properly and delayed the process, thereby, a fine was also imposed against her by the trial Court. Again D.W.1 was cross examined on 21.09.2023. The petitioner has filed this application to recall D.W.1 and the same was also allowed in Cr.M.P.No.7441 of 2023 and a conditional order was passed by the trial Court on 18.12.2023. D.W.1 was examined before the Court below on 11.01.2024. D.W.1, who was present before the trial Court, reported that the document sought by the petitioner was not available and they are searching for the same. Even thereafter, the petitioner has filed this present application. The learned Trial Judge felt that the case is pending at the stage of defence witness for more than one year and it is also registered as a summary trial proceedings, has rejected this application of the petitioner.



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6.In view of the above, there is no reason to interfere with the order passed by the learned Judicial Magistrate, Vadipatti and this Court is not inclined to entertain this petition. Hence, this petition is dismissed.

19.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sjj

To

The Judicial Magistrate, Vadipatti.



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B.PUGALENDHI, J.

sj1

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