



CrI.O.P.(MD)No.8467 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.8467 of 2024 and
CrI.MP(MD) No.5778 of 2024

M.A.Rajan ... Petitioner/Accused

Vs.

Ganesan ...Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Cr.MP.No.1139/2024, dated 10.04.2024 STC No.191 of 2023, on the file of the Fast Track Court (Magistrate Level), Tuticorin, Tuticorin District and set aside the same.

For Petitioner : Mr.KA.Ramakrishnan

ORDER

The petitioner is an accused in proceedings initiated under Section 138 of Negotiable Instruments Act. He has filed this application to quash the order passed by the learned Judicial Magistrate, Fast Track Court (Magistrate Level), Tuticorin in Cr.MP.No.1139/2024, dated



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10.04.2024 in STC No.191 of 2023.

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2.In the above order, the petitioner's application under Section 311 of Cr.P.C to recall PW 1 for further cross examination was dismissed by the trial Court. As against the same, the present application has been filed.

3.The learned counsel appearing for the petitioner submits that on certain materials, questions with regard to the transactions between the petitioner and the defacto complainant were omitted to be cross examined and therefore, he filed an application for recalling PW 1 for further cross examination.

4.Heard the learned counsel for the petitioner and perused the order passed by the trial Court.

5.The case was initiated in the month of April 2023. In the sworn affidavit filed by complainant, the pre-cognizance evidence let in 19.04.2023 was adopted as post cognizance evidence on 21.06.2023. On



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08.11.2023, the petitioner/accused has cross examined PW 1. PW 2 was cross examined on 13.12.2023. On 05.02.2024, the accused was questioned under Section 313(1) of Cr.P.C. Thereafter, the application to recall the witness has been filed on 27.02.2024. Considering the same, the application filed by this petitioner was dismissed.

6. Though the learned counsel claims that the petitioner is having certain incriminating materials in favour of him and certain material particulars have been omitted by this petitioner during the cross examination, he has not disclosed the same. The petitioner had an opportunity under Section 313 Cr.P.C before the trial Court. However, he has failed to place these materials. Therefore, if the petitioner is having any incriminating material, he can file an application to examine the witnesses as defence witnesses within a period of two weeks from the date of receipt of a copy of this order. In the event, if the Court is satisfied with the material and can permit this petitioner to complete the examination of defence witnesses within a period of three weeks from thereon.



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7.With such direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

11.06.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

1.The Fast Track Court (Magistrate Level), Tuticorin, Tuticorin District

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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Order made in
Crl.O.P.(MD)No.8467 of 2024 and
Crl.MP(MD) No.5778 of 2024

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