



Crl.O.P.(MD)No.13247 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13247 of 2024
and
Crl.M.P.(MD)No.8141 of 2024

T.Amirthakani

... Petitioner

Vs.

T.Selvakumar

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to set aside the order in M.P.No.02 of 2023 in S.T.C.No.296 of 2021 dated 05.09.2023 and permit the petitioner to recall P.W.1 for the purpose of cross examination which is pending on the file of the learned Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli.

For Petitioner : Mr.K.Sankar

ORDER

The Criminal Original Petition has been filed seeking orders to set aside the order passed in M.P.No.02 of 2023 in S.T.C.No.296 of 2021.



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2. The respondent has filed a private complaint under Section 200 Cr.P.C. against the petitioner for the offence under Section 138 of Negotiable Instruments Act. When the case was pending for defence side evidence, the petitioner has filed an application under Section 311 Cr.P.C. on 07.03.2023 to recall P.W.1 for cross-examination and the learned trial Judge has allowed the application by imposing cost and in pursuance of the said order, P.W.1 was recalled and he was cross-examined in part on 18.05.2023 and the case was adjourned for cross continuation on 06.06.2023 and thereafter adjourned to 14.06.2023 and on 14.06.2023, cross-examination was closed.

3. Despite sufficient opportunities have been given to the petitioner, he has filed the present application seeking permission to recall P.W.1 on the ground that some important issues were omitted in cross-examination and the learned trial Judge, by taking note of the entire facts and circumstances and also the petitioner's failure to cross-examine despite sufficient opportunities even after allowing the petition to recall P.W.1, dismissed the application.



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4. Considering the above facts and circumstances, the impugned order dismissing the application cannot be found fault with. Hence, this Court concludes that the criminal original petition is devoid of merit and the same is liable to be dismissed.

5. In the result, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

13.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

1.The Judicial Magistrate,
Special Court for Exclusive Trial of Negotiable Instrument Act,
Tirunelveli.



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K.MURALI SHANKAR,J.

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Order made in
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and
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