



CrI.O.P.(MD)Nos.15998 & 16626 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD)Nos.15998 & 16626 of 2022

and

CrI.M.P.(MD)Nos.10569 & 11090 of 2022

CrI.O.P.(MD)No.15998 of 2022

Mohanraj

... Petitioner

Vs.

Rajakumar

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records to the order passed by the Judicial Magistrate No.II, Tiruchirapalli in Cr.M.P.No.10573 of 2021 in C.C.No.623 of 2018 dated 10.05.2022 to set aside the same and to allow the petition in Cr.M.P.No.10573 of 2021 in C.C.No.623 of 2018.

CrI.O.P.(MD)No.16626 of 2022

Mohanraj

... Petitioner

Vs.

Rajakumar

... Respondent



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PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the order passed by the Judicial Magistrate No.II, Tiruchirapalli in Cr.M.P. No.10617 of 2021 in C.C.No.623 of 2018 dated 10.05.2022, to set aside the same and consequently, to recall the witness.

For Petitioner : M/s.P.L.Jansi Rani
(In both cases)

For Respondent : Mr.R.L.Dhilipan Pandian
(In both cases)

COMMON ORDER

These Criminal Original Petitions have been filed to set aside the orders passed by the learned Judicial Magistrate No.II, Tiruchirappalli in Cr.M.P.No.10573 & 10617 of 2021 dated 10.05.2022 and consequently, to recall the witness.

2.The petitioner herein is arrayed as accused in C.C.No.623 of 2018 filed by the respondent under Section 138 of the Negotiable Instruments Act. The petitioner filed petitions for reopening and



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recalling the evidence of P.W.1 and the same were dismissed by the Court below. Challenging the same, the present petitions have been filed.

3.The learned counsel appearing for the petitioner would submit that though the petitioner have cross-examined the witness, some vital points are have to be examined in order to disprove the complaint filed by the respondent, for which the petitioner has to necessarily examine P.W.1 one more time. Therefore, the petitioner filed petitions for reopen and recall the evidence and the same were dismissed, which is not sustainable one. She would further submit that the petitioner is ready and willing to pay a reasonable cost to the respondent. Accordingly, she prayed to allow these petitions.

4.The learned counsel appearing for the respondent would submit that already the petitioner cross-examined P.W.1 thrice, even then, she filed present petitions and the issue has been elaborately discussed and considered by the Court below, which does not warrant any interference by this Court.



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5.Heard the learned counsel on either side and perused the materials available in the record.

6.Considering the facts and circumstances of the case, the respondent/P.W.1 is directed to appear before trial Court on the next date of hearing and the petitioner has to complete the cross-examination on that date itself. As per the undertaking given by the learned counsel appearing for the petitioner, the petitioner shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) directly to the respondent/P.W.1.

7.In the result, the orders passed by the learned Judicial Magistrate No.II, Tiruchirappalli in Cr.M.P.No.10573 & 10617 of 2021 dated 10.05.2022 is hereby set aside and these criminal original petitions are allowed. Consequently, connected miscellaneous petitions are closed.

27.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns



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To



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The Judicial Magistrate No.II, Tiruchirapalli



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M.DHANDAPANI,J.

gns

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