



CrI.O.P.(MD)No.13997 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.11.2024**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD) No.13997 of 2023

and

CrI.M.P.(MD) No.10963 of 2023

G.Kathiravan

... Petitioner

Vs.

Vadivammal

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order in Cr.MP No.6722/2023 in STC No.1785/2017 on the file of learned Judicial Magistrate, Srivaikundam and direct the learned Judicial Magistrate, Srivaikundam to re-call the P.W-1 for cross examination.

For Petitioner : Mr.J.Anandkumar

For Respondent : Mr.S.Mandhiralingeswaran

ORDER

This petition has been filed challenging the order passed by the learned Judicial Magistrate, Srivaikundam in CrI.M.P.No.6722 of 2023 in S.T.C.No.1785 of 2017, dated 10.07.2023.



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2.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

3.The respondent has filed a private complaint against the petitioner for offence under Section 138 of the Negotiable Instruments Act, 1881. This complaint was filed in the year 2017. The petitioner in the year 2023 filed an application under Section 311 of Cr.P.C. to recall P.W.1 for further cross examination. The same was dismissed by the Court below and it has been put to challenge in this petition.

4.This Court carefully went through the order passed by the Court below. This Court finds that there are absolutely no merits in the present application filed by the petitioner. The petition has been filed only to drag on the proceedings and the petitioner has made it a pattern to file one petition after the other to drag on the case. The Court below has passed a very detailed order and this Court does not find any illegality to interfere with the same.



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5.In the result, this Criminal Original Petition stands dismissed and there shall be a direction to the learned Judicial Magistrate, Srivaikundam, to dispose of S.T.C.No.1785 of 2017 within a period of two months from the date of receipt of a copy of this order and file a compliance report before this Court. Consequently, connected miscellaneous petition is closed.

21.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

To

Learned Judicial Magistrate, Srivaikundam.



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N.ANAND VENKATESH,J.

PKN

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