



Crl.O.P.(MD)No.16960 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.16960 of 2022

and

Crl.M.P.(MD)No.11387 of 2022

N.Kalyanasundaram

... Petitioner

Vs.

G.Sivasankar

Represented through his power agent

Soundararaj

S/o.Arumugam, 64-A, Thiruneelakanda Nayanar Street,
Melapalayam, Tirunelveli, Tirunelveli District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 02.08.2022 made in Cr.M.P.No.3059 of 2022 in STC.No.41 of 2020 on the file of the Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli and allow the criminal original petition.

For Petitioner : Mr.R.L.Dhilipan Pandian,
for M/S.Mohan Kumar.G

For Respondent : Mr.C.Saravanakumar



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ORDER

This Criminal Original Petition has been filed to set aside the order dated 02.08.2022 made in Cr.M.P.No.3059 of 2022 in STC.No.41 of 2020 on the file of the Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli.

2.The petitioner herein is arrayed as accused in STC.No.41 of 2020 filed by the respondent herein under Section 138 of the Negotiable Instruments Act. The petitioner filed a petition before the Court below to summon the list of persons for the purpose of examination by him and the same was dismissed by the Court below. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioner would submit that though the petitioner has examined the witnesses, 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 the



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proposed witnesses. Therefore, the petitioner filed petition to summon the witnesses and the same was dismissed, which is not sustainable one.

He would further submit that the petitioner is ready and willing to pay a reasonable cost and accordingly, he prayed to allow this petition.

4.The learned counsel appearing for the respondent would submit that the case is in the stage of arguments and sufficient opportunity has been given to the petitioner to produce his witnesses, however, he failed to avail the same. He would further submit that the issue has been elaborately discussed and considered by the Court below, which does not warrant any interference by this Court.

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 Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelvel is directed to issue summons to the witnesses, who are all mentioned in Cr.M.P.No.3059 of 2022, by specifying the next date of hearing and the



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petitioner is directed to complete the 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.2,500/- (Rupees Two Thousand and Five Hundred only) directly to the respondent.

7.In the result, the order passed by the Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli in Cr.M.P.No.3059 of 2022 dated 02.08.2022 is hereby set aside and this criminal original petition is allowed. The Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli is directed to complete the trial in S.C.No.41 of 2020, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

27.02.2024

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

To

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



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M.DHANDAPANI,J.

gns

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