



Crl.O.P.(MD)No.15991 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15991 of 2024
and
Crl.M.P(MD)No.10074 of 2024

Cherlin

... Petitioner

Vs.

Suresh

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the order passed by the learned Judicial Magistrate, Tenkasi in Cr.M.P.No.3283 of 2024 in S.T.C.No.1453 of 2021, dated 06.07.2024 and set aside the same.

For Petitioner : Mr.T.A.Ebenezer

ORDER

The Criminal Original Petition is directed against the order passed in Cr.M.P.No.3283 of 2024 in S.T.C.No.1453 of 2021, dated 06.07.2024 on the file of the learned Judicial Magistrate, Tenkasi, dismissing the petition filed under Section 311 of Cr.P.C.



Crl.O.P.(MD)No.15991 of 2024

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2. It is evident from the records that the respondent has filed a private complaint under Section 200 of Cr.P.C., against the petitioner for the alleged offence under Section 138 of Negotiable Instruments Act. When the case was pending for the defence side evidence, the petitioner/accused has filed an application seeking permission to recall P.W.1 and P.W.2 for further cross examination alleging that some questions came to be omitted during their cross examination.

3. As rightly observed by the learned trial Judge, in the petition filed under Section 311 of Cr.P.C., the petitioner has not given any particulars, except some more questions came to be omitted. The learned trial Judge has specifically observed that P.W.1 was cross examined on 26.07.2023 and P.W.2 cross examination was completed on 13.03.2024 and that the petitioner has not whispered anything about the proposed cross examination.

4. Considering the above, this Court is of the view that the above petition has been filed only to drag on the matter further and hence, the impugned order dismissing the petition filed under Section 311 of Cr.P.C,



Crl.O.P.(MD)No.15991 of 2024

cannot be found fault with. Hence, this Court concludes that the Criminal Original Petition is devoid of merits and the same is liable to be dismissed.

5. In the result, the Criminal Original Petition is dismissed. The learned Judicial Magistrate, Tenkasi, is directed to dispose of the case in S.T.C.No.1453 of 2021 within a period of three months from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed.

24.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

The Judicial Magistrate,
Tenkasi.



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Crl.O.P.(MD)No.15991 of 2024

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.15991 of 2024
and
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Dated: 24.09.2024