



Crl.O.P.(MD)No.16943 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16943 of 2024

and

Crl.M.P(MD)No.10660 of 2024

Hari : Petitioner

Vs.

1.J.Shanthi

2.Jeyakumar : Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the impugned order passed in Cr.M.P.No.4156 of 2024 in S.T.C.No.72 of 2021 on the file of the learned Judicial Magistrate No.II, Usilampatti and set aside the same.

For Petitioner : Mr.G.Sarath Kumar

ORDER

This Criminal Original Petition is directed against the order passed in Cr.M.P.No.4156 of 2024 in S.T.C.No.72 of 2021 on the file of the learned Judicial Magistrate No.II, Usilampatti, dismissing the petition filed under Section 311 of Cr.P.C.



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2. The respondent has filed a petition under Section 200 of Cr.P.C., against the petitioner for the offence under Section 138 of Negotiable Instruments Act.

3. It is seen from the records that P.W.1 was examined in Chief on 08.11.2023 and at the request of the petitioner, the case was adjourned and P.W.1 was cross examined on 24.01.2024 and thereafter, the petitioner side evidence was closed and when the case was pending for defence evidence, the present application came to be filed to recall P.W.1 for further cross examination.

4. The main contention of the petitioner is that the petitioner has not borrowed any amount from the complainant and in order to bring out the truth, P.W.1 has to be cross examined further with regard to the some documents.

5. Except the above, the petitioner has not elaborated anything further. The learned Magistrate in the impugned order has specifically observed that despite sufficient opportunities to cross examine P.W.1,



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P.W.1 was not cross examined by the petitioner side. The learned Magistrate has further observed that P.W.1 was cross examined on 24.01.2024 and the case was adjourned to 21.02.2024, 13.03.2024, 03.04.2024 for the complainant side further evidence and thereafter, the complainant side evidence was closed and questioning under Section 313 of Cr.P.C., was made on 29.04.2024.

6. As rightly observed by the learned Magistrate, the above petition has been filed only to drag on the proceedings and as such, the impugned order dismissing the petition 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.

7. In the result, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

04.10.2024

NCC : Yes/ No
Index : Yes/No
Internet : Yes/ No
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K.MURALI SHANKAR,J.

DAS

To

The Judicial Magistrate No.II,
Usilampatti.

Order made in
CrI.O.P.(MD)No.16943 of 2024
and
CrI.M.P(MD)No.10660 of 2024

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