



CrI.O.P.(MD)No.22936 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD)No.22936 of 2022

and

CrI.MP(MD)No.16250 of 2022

Lakshmipathi

... Petitioner/Petitioner/Accused

Vs.

K.Kannan

... Respondent/Respondent/
Complainant

PRAYER:- Petition filed under Section 482 of Cr.P.C., to call for the records relating to the order in Cr.M.P.No.4868 of 2022 in STC.No.55 of 2021 on the file of the Fast Track Court (Magisterial Level), Kovilpatti, dated 15.12.2022 and set aside the same.

For Petitioner : Mr.T.Antony Arul Raj

For Respondent : Mr.A.R.Kannappan

ORDER

This petition has been filed to set aside the order passed by the Fast Track Court (Magisterial Level), Kovilpatti, in Cr.M.P.No.4868 of 2022 in STC.No.55 of 2021, dated 15.12.2022.



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2. The case of the prosecution is that after closure of the prosecution witnesses, the petitioner submitted a list of witnesses along with application under Section 243 of Cr.P.C., and the same was rejected. Challenging the same, the present petition has been filed.

3. The learned counsel for the petitioner would submit that though the respondent filed a complaint under Section 138 of Negotiable Instrument Act after prosecution evidence is over, it is necessary to provide an opportunity to the petitioner/accused to examine the defence witnesses and the same was rejected by the lower Court is not sustainable one. Challenging the same, he filed this petition.

4. This Court perused the impugned order dated 15.12.2022. It appears that the petitioner filed a petition under Section 243 Cr.P.C., However, from perusal of the petition, it was not revealed the detail of the witnesses on what way they are connected with the case. Without providing any details of the witnesses, the petitioner simply filed the petition with the list of witnesses. Without assigning any reasons, he wants to examine 10 witnesses, which is not sustainable one. Hence, the order of the trial Court is a perfect order which cannot be interfered with.



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5. Accordingly, this Criminal Original Petition is dismissed.
Consequently, connected miscellaneous petition is closed.

6. However, liberty is granted to the petitioner to file a fresh detailed petition including the nature of the witnesses to be examined and their relevancy to the case. After satisfaction, the trial Court is directed to pass appropriate orders in that petition. However, in any event, the trial Court is directed to conclude the trial in S.T.C.No.55 of 2021 within a period of 6 months from the date of receipt of a copy of this order.

26.02.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
dss

To
The Fast Track Court (Magisterial Level),
Kovilpatti.



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