



Crl.O.P.(MD)No.20921 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20921 of 2024
and Crl.M.P(MD).No.12980 of 2024

Jameela Mydeen

... Petitioner

Vs.

Sudha Santhosam

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records to set aside the same and order passed in Crl.M.P.No.3487 of 2024 in STC.No.426 of 2023 on the file of the Judicial Magistrate Court, Valliyoor.

For Petitioner : Mr.P.T.Ramesh Raja

ORDER

The petitioner, who is accused in 138 NI Act case and facing trial in S.T.C.No.426 of 2023, had filed 311 petition in Crl.M.P.No.3487 of 2024 to recall P.W.1 for further cross-examination, which was dismissed on 21.10.2024, against which, the present petition has been filed.



Crl.O.P.(MD)No.20921 of 2024

WEB COPY

2. The contention of the petitioner is that the petitioner and the complainant are known to each other for 20 years and they are having several transactions. The complainant admits that she is the house wife. When she is the house wife, she does not have any source of income and hence, to question the same the complainant has to be recalled, otherwise the petitioner would be denied to raise the point that the complainant has got any source of income to lend such huge amount of Rs.5,00,000/- to the petitioner.

3. Heard both sides and perused the materials available.

4. A perusal of the document and evidence. it is seen that cross examination of P.W.1/ complainant has been done on 26.09.2024 in detail running to 7 pages, in which more than an one occasion it has been clearly seen that the point has been raised that the complainant is the housewife and she has not no source of income, which has been denied by the respondent and further she has also given explanation that her husband was working abroad and she used to receive money from various source including Muthoot Finance and she was having sufficient



Crl.O.P.(MD)No.20921 of 2024

money. This statement ought to be considered only at the time of arguments, for which, no further cross examination of P.W.1 is required.

In view of the same, this Court finds no merits in the petitioner's contention. Hence, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
Rmk

29.11.2024

To

- 1.The Judicial Magistrate Court, Valliyoor.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.O.P.(MD)No.20921 of 2024

M.NIRMAL KUMAR, J.

Rmk

Order made in
Crl.O.P.(MD)No.20921 of 2024

Dated: 29.11.2024