



Crl.O.P.(MD) No.23449 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.23449 of 2023

and

CrI.M.P.(MD) No.18228 of 2023

M.Maniram

...Petitioner

vs

B.Karthikeyan

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records pertaining to the order dated 05.12.2023 made in CrI.M.P.No.5369 of 2023 in CC.No.64 of 2023 on the file of the Judicial Magistrate, Aruppukottai and set aside the same.

For Petitioner : Mr.A.Jayaramachandran

ORDER

This Criminal Original Petition is filed to set aside the order dated 05.12.2023 made in CrI.M.P.No.5369 of 2023 in CC.No.64 of 2023 on the file of the learned Judicial Magistrate, Aruppukottai.



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2.The learned counsel for the petitioner submits that the petitioner is the accused in CC.No.64 of 2023 on the file of the learned Judicial Magistrate, Aruppukottai. The respondent is the complainant in this case. When the respondent as P.W1 deposed evidence, the learned counsel for the accused had cross-examined him on the same day.

3.He had filed a petition in Crl.M.P.No.5369 of 2023 under Section 311 Cr.P.C., stating that he had left out one of the important questions to put on the complainant for prosecution. The petition was dismissed by the learned Judicial Magistrate, Aruppukottai on 05.12.2023. Against this order, the accused had filed the present Criminal Original Petition seeking indulgence of this Court to recall the witness and to cross-examine him.

4.On perusal of the order passed by the learned Judicial Magistrate, Aruppukottai, it is found that it is a well reasoned order. It does not warrant any interference from this Court.

5.It is the submission of the learned counsel for the petitioner that the



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case was posted for D.Ws after 313 proceedings. At that stage, he had filed this petition.

6.To the query raised by this Court that on the date of cross-examination, whether he had requested the learned Judicial Magistrate, Aruppukottai for further time to complete the cross-examination or to reserve his right to file a petition under 311, he would submit that he had filed this petition at the stage of D.Ws. The said submission of the learned counsel for the petitioner cannot be appreciated, considering the amount involved in cases under Section 138 of Negotiable Instruments Act. It is nothing but delay in tactics. Therefore, the submission of the learned counsel for the petitioner is rejected.

Accordingly, this Criminal Original Petition is dismissed.
Consequently, connected Miscellaneous Petition is closed.

Internet:Yes./No
Index:Yes/No
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02.01.2024

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The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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