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Crl.O.P.No. 3629 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.3629 of 2025 and
Crl.M.P.No.2385 of 2025

R.Ramachandran

... Petitioner

Vs.

K.Sathish@Saravanan

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the order passed by the Fast Track Court II, (Magistrate Level) Egmore at Allikulam passed in Crl.M.P.No.74372 of 2024 in STC / PC No.7274 of 2022 dated 21.12.2024.

For Petitioner : Mr.R.Vasudevan

ORDER

This Criminal Original Petition has been filed challenging the order in Crl.M.P.No.74372 of 2024 in STC No.7274 of 2022 dated 21.12.2024 on the file of Fast Track Court II, (Magistrate Level) Egmore at Allikulam.



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2. In the present case, the petitioner is the complainant and the respondent is the accused. The petitioner lodged a complaint against the respondent for the offence under Section 138 of Negotiable Instruments Act, 1881 in STC No.7274 of 2022. After examining the petitioner as PW1, the respondent did not cross examine PW1. Several months later, the respondent filed a petition under Section 311 of Cr.P.C to recall PW1 for cross examination in CrI.M.P.No.66334 of 2024. The Trial Court by order dated 11.11.2024, allowed the application on the condition that the respondent shall pay a sum of Rs.2000/- at the time of cross examination of PW1 as costs. However, the respondent failed to comply with the condition and therefore no cross examination of PW1 took place. Thereafter, the respondent filed another application under Section 311 of Cr.P.C for cross examination of PW1 in CrI.M.P.No.74372 of 2024 in STC No.7274 of 2022. The Trial Court allowed the application by an order dated 21.12.2024 and imposed costs of Rs.1500/-. Subsequently, directed the respondent to cross examine PW1 on 03.01.2025. However, the respondent again failed to cross examine PW1 and the condition was not complied with.



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3. In view of the above, it is clarified that order passed in CrI.M.P.No.74372 of 2024 has now expired. Therefore, the Trial Court is directed not to permit the respondent to cross examine PW1 under any circumstances, since the respondent has failed to comply with the conditions on two occasions and has failed to utilize the opportunity for cross examination. Further, the Trial Court is directed to complete the trial in STC No.7274 of 2022 within a period of twelve weeks from the date of receipt of a copy of this order.

4. With the above direction, the Criminal Original Petition is disposed of. Consequently, miscellaneous petition is closed.

12.02.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk



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G.K.ILANTHIRAIYAN, J.

shk

To

- 1.Fast Track Court II, (Magistrate Level) Egmore at Allikulam.
2. The Public Prosecutor,
High Court, Madras.

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