



Crl.O.P.No.16986 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2025

CORAM:

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

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E.John Louis

... Petitioner

Vs.

D.Baskar (died)

Kiruba

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order passed by the learned Judicial Magistrate-III, Salem in Crl.M.P.No.284 of 2024 dated 02.05.2024 in STC No.5653 of 2023.

For Petitioner : Ms.T.Sreelekha

For Respondent : Mr.M.Santhanaraman

ORDER

This petition has been filed challenging the order passed by the learned Judicial Magistrate-III, Salem in Crl.M.P. No. 284 of 2024, dated 02.05.2024, in STC No. 5653 of 2023, thereby dismissing the petition filed under Section 315 of Cr.P.C. to examine the defence witness.



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WEB COPY 2. Heard the learned counsel for both sides and perused the materials available on record.

3. The petitioner is an accused in the complaint lodged by the respondent in STC No. 5335 of 2023, for the offence punishable under Section 138 of the Negotiable Instruments Act. Originally, it was filed in the year 2015, and subsequently, it was re-numbered in the year 2023, by substituting the legal heir of the deceased complainant as complainant. When the matter was posted for arguments, the petitioner filed a petition under Section 315 Cr.P.C. for examining the defence witness.

4. On a perusal of the records, it reveals that the complaint was filed in the year 2015. After a period of nine years, the petitioner filed a petition under Section 315 Cr.P.C. for examining the defence witness. In fact, the petitioner also filed a petition in Crl.M.P. No. 385 of 2023, dated 05.04.2023, under Section 315 of Cr.P.C. for his defence side witness. It was allowed and subsequently, the case was posted for several hearings for his defence witness. However, the petitioner did not come forward to examine the defence witness and the Trial Court closed the defence side witness and posted the case for



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arguments. At that juncture, the petitioner once again filed a petition for the very same relief under Section 315 of Cr.P.C. Therefore, the Trial Court rightly dismissed the petition, and this Court finds no infirmity or illegality in the order passed by the Trial Court.

5. Accordingly, this Criminal Petition is dismissed. However, the Trial Court is directed to complete the trial within a period of twelve weeks from the date of receipt of a copy of this order.

24.02.2025

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

kv

To

The Judicial Magistrate-III, Salem.



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G.K.ILANTHIRAIYAN, J.

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