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Crl.O.P.Nos.28412, 28418 & 28423 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2025

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THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.Nos.28412, 28418 & 28423 of 2024

and

Crl.M.P.Nos.15830, 15831, 15843, 15845, 15848 & 15849 of 2024

R.Rajkumar

... Petitioner in all Crl.O.Ps

Vs

R.K.Madhankumar

... Respondent in all Crl.O.Ps

COMMON PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 18.06.2024 passed in M.P.Nos.1,1,1 of 2024 in S.T.C.Nos.53, 52 & 54 of 2022 on the file of the Judicial Magistrate (FTC), Thiruchengode.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.Prasanth Narayanan P.M



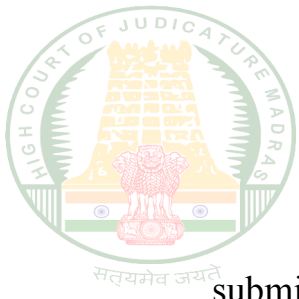
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COMMON ORDER

The Criminal Original Petitions have been filed to set aside the order dated 18.06.2024 passed in M.P.Nos.1,1,1 of 2024 in S.T.C.Nos.52, 53 & 54 of 2022 on the file of the Judicial Magistrate (FTC), Thiruchengode.

2. The respondent herein filed a complaint under Section 138 of the Negotiable Instruments Act in S.T.C.Nos.52,53,54 of 2022 on the file of the Judicial Magistrate (FTC), Thiruchengode, against the petitioner herein. The respondent examined himself as P.W.1. The documents were marked and after completion of complainant's evidence and completion of proceedings under Section 313 Cr.P.C., the cases were listed on several occasions for the defence side evidence. The petitioner did not utilise the opportunity given by the learned Magistrate. Finally, the court has closed the defence side evidence and listed the matter for arguments. At this stage, the petitioner has filed the application under Section 311 Cr.P.C., to re-open/recall for examination of defence side evidence. It is



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submitted by the learned counsel for the petitioner that the documents are absolutely necessary to prove their case. The learned Magistrate dismissed the petition filed by the petitioner vide order dated 18.06.2024 passed in M.P.Nos.1,1,1 of 2024 in S.T.C.Nos.52, 53 & 54 of 2022 on the file of the Judicial Magistrate (FTC), Thiruchengode. Aggrieved over the same, the petitioner has filed the above criminal original petitions.

3. Learned counsel for the respondent/complainant submitted that despite sufficient opportunity was given to the petitioner by the learned Magistrate, the petitioner/accused did not utilize the same. In order to drag the proceedings, the petitioner has filed the abovesaid petitions. Further the documents to be produced by the petitioners are noway connected to the case on hand. The learned Magistrate has rightly observed that in order to protract the proceedings, the petitioner has filed the petition by invoking Section 311 Cr.P.C., and hence dismissed the same.



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4. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondent and perused the materials available on record.

5. Prior to filing the complaint, the respondent/ complainant has sent a statutory notice to the petitioner and the same was also duly served on him. Despite service of statutory notice, the petitioner did not reply to the same. Though sending reply is not mandatory, however, soon after receiving the notice, if the petitioner has got any valid defence, he could respond by way of reply. The complaint was filed in the year 2022, Thereafter, the witnesses were examined in the year 2023. After completion of complainant's side evidence proceedings under Section 311 Cr.P.C has also completed. Though the case was listed for examination of defence side witnesses on several occasions, the petitioner did not utilize the same. This Court does not find any reason to interfere with the impugned order passed by the learned Magistrate.



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6. In view of the same, all the Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

27.01.2025

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Judicial Magistrate (FTC), Thiruchengode.



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P.VELMURUGAN, J

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