



Crl.O.P.No.30705 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2025

CORAM:

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

Crl.O.P.No.30705 of 2024
and Crl.M.P.No.17474 of 2024

1. M/s. Santhosini Agencies,
Rep by its Propreitrix Rukma

2.Rukma
Propreitrix of M/s. Santhosini Agencies,
Office at No.56F,
Subramaniam Road,
R.S. Puram, Coimbatore – 641 002.

... Petitioners

Vs.

1. M/s.Prabhakar Match Industries,
Rep by its Managing Partner J.P.Shivakumar,
2. J.P.Shivakumar,
Managing Partner of
M/s.Prabhakar Match Industries,
No.15, Hariharanatha Swamy Street,
Dharmapuri – 636 702
Both represented by their Power of agent
R.Rajarathinam

... Respondents

Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the return order dated 24.05.2024 in C.M.P.Sr.No.1635 of 2024, on the file of the learned Fast Track Court (Magistrate Level), at Dharmapuri, on any conditions.



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For Petitioners : Mr.R.Perumalraj

For Respondents : Mr.P.M.Jayachandran

ORDER

This petition has been filed challenging the docket order dated 24.05.2024, passed by the learned Fast Track Court (Magistrate Level), Dharmapuri, in C.M.P.Sr.No.1635 of 2024, thereby rejected the petition filed under Section 311 of Cr.P.C., on the ground that the earlier condition has not been complied with.

2. The petitioners are the accused in the complaint lodged by the respondents in S.T.C.No.163 of 2021 for the offence under Section 138 of Negotiable Instruments Act. After examination of P.W.1, the petitioners failed to cross-examine P.W.1. Therefore, they filed petition to re-call P.W.1 and the same was allowed. Accordingly, the petitioners cross-examined P.W.1. Once again, the petitioners filed application to re-call P.W.1, since some vital questions were not asked to the P.W.1. Once again the petition was ordered with cost of Rs.500/- to be paid to the respondent. However the said condition was not complied with. Thereafter, without complying the earlier condition imposed by the trial Court, once again the petitioner filed the very same petition to re-call



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P.W.1. It was rejected by the trial Court in the SR stage itself.

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3. It is seen that the petitioners filed the petition to drag the proceeding and the trial Court rightly rejected the same. This Court finds no infirmity or illegality in the impugned order. The trial Court viz., Fast Track Court (Magistrate Level), Dharmapuri, is directed to dispose the case in S.T.C.No.163 of 2021, within a period of twelve weeks from the date of receipt of a copy of this Order.

4. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

06.02.2025

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

rts

To

The Fast Track Court (Magistrate Level),
Dharmapuri.



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G.K.ILANTHIRAIYAN, J.

rts

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