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Crl.R.C.No.1900 of 2023 and
Crl.M.P.No.17692 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1900 of 2023 and
Crl.M.P.No.17692 of 2023

Liyakath Khan

...Petitioner

Vs.

K.P.Kulasekaran

...Respondent

The Criminal Revision filed under Section 397 & 401 of Cr.P.C. to set aside the order of the learned Metropolitan Magistrate, Fast Track Court I, Egmore at Allikulam, Chennai in Crl.M.P.No.26937 of 2023 in S.T.C.No.1321 of 2021 dated 17.10.2023 by allowing the criminal revision.

For Petitioner : Mr.S.Swaminathan

For Respondent : No Appearance



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ORDER

The Criminal Revision Case is preferred against the order of dismissal of petition under Section 243 Cr.P.C. filed by the petitioner seeking to issue summon to the witness to examine as defence witness.

2 The petitioner is accused and the respondent is complainant. The respondent/complainant filed complaint under Section 200 Cr.P.C. against the petitioner for the offence under Section 138 of Negotiable Instruments Act, on 16.06.2021 and after completing the evidence on the side of the complainant, when the matter is posted for defence side evidence, the petitioner/accused had filed petition under Section 243 Cr.P.C. seeking to issue summon to the witness to examine as defence witness. The learned Magistrate, by an order dated 17.10.2023, dismissed the said petition, against which, the accused is before this Court.

3 The learned counsel for the petitioner/complainant would submit that the complaint was filed in the year 2021 and after closing of



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evidence of complainant side witnesses, the petitioner, who is the accused, has filed the petition under Section 243 Cr.P.C. to summon the witness. The petitioner/accused did not even file any list of witnesses on his side and further has not given any valid reason to summon the witness. The learned Magistrate has rightly dismissed the petition, which does not call for any interference of this Court.

4 Heard the learned counsel for the petitioner and perused the materials available on record. None appeared on behalf of the respondent.

5 It is seen that the learned Magistrate, while dismissing the petition filed by the petitioner/accused under Section 243 Cr.P.C. observed that the petitioner did not file list of witnesses and has not stated anything about relevancy of the witness sought to be summoned to the case. Furthermore the petitioner/accused has not put any suggestion before the respondent/complainant, during cross examination, regarding the witness.



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6 Even though, the accused has got right to take defence either by examining himself or by summoning any witness, he has to file list of documents and witnesses. In this case, the petitioner/accused, while filing petition under Section 243 Cr.P.C. has not given any reason for issuing summons to the witness and he has not put any suggestion during cross examination of the complainant regarding the relevancy of the witness, sought to be summoned, to the case.

7 Furthermore, the petitioner/accused did not send any reply to the statutory notice sent by the respondent/complainant, for which he has not offered any reason. Hence this Court has no hesitation to hold that the petitioner/accused has filed the petition under Section 243 Cr.P.C only to protract the proceedings in S.T.C.No11321 of 2021. The learned Magistrate rightly dismissed the petition and this Court does not find any reason to interfere with the same.



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8 In view of the above observations and reasons, this criminal revision case is dismissed. Consequently connected miscellaneous petition is closed. The learned Magistrate is directed to dispose of the case in S.T.C.No.1321 of 2021 within reasonable time.

13.03.2025

Neutral Citation : Yes/No
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To

The Metropolitan Magistrate, Fast Track Court I,
Egmore at Allikulam, Chennai



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P.VELMURUGAN, J.,

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