



Crl. O.P. No. 11241 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl. O.P. No. 11241 of 2026

and

Crl. M.P. No. 7969 of 2026

Parivallal. T

... Petitioner

Vs.

S. Sudhakaran.

... Respondent

Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to order passed in Crl.M.P.No.223 of 2026 in S.T.C.No.13291 of 2023 on the file of XIX Metropolitan Magistrate, Allikulam, Egmore, Chennai dated 10.04.2026 subsequently set aside the same.

For Petitioner : Mr. I. Sheik Mohamed

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the order passed in Crl.M.P.No.223 of 2026 in S.T.C.No.13291 of 2023 on the file of the XIX Metropolitan Magistrate, Allikulam, Egmore, Chennai dated 10.04.2026 and to set aside the same.



2. The petitioner, as the complainant, has filed a case under Section 138 of the Negotiable Instruments Act against the respondent, which is pending trial in S.T.C.No.13291 of 2023. The petitioner has filed a petition under Section 311 Cr.P.C., to produce and mark certain documents, including the four additional electronic evidence and supporting documents and to recall and re-examine DW1.

3. According to the petitioner, the screenshots, video and audio recordings and communications between the petitioner and the respondent would strengthen and assist in proving the case against the respondent. The hard copies, electronic records and the mobile phone are in the custody of the petitioner and he is ready to produce the same along with a certificate under Section 65B of the Indian Evidence Act.

3.1. He further submitted that on similar grounds, he had earlier filed a petition under Section 311 Cr.P.C., to recall himself for the purpose of further marking documents in Crl.M.P.No.654 of 2025 and the same was withdrawn on 17.06.2025. Since the trial Court observed that the prosecution side had already been closed and that the case was at the defence stage, he withdrew the earlier petition and filed the present petition. However, the trial



Court dismissed the present petition on the ground that the video and audio recordings, conversations, screenshots of WhatsApp and the RTI report could not be produced by the petitioner at the time of filing the complaint and that DW1 had already been cross-examined twice in detail by the complainant. Hence, the same was rejected and the present petition has been filed.

4. Considering the submissions made and upon perusal of the materials on record, it is seen that the petitioner had earlier filed a petition in Crl.M.P.No.654 of 2025 to examine himself further in chief, which was subsequently withdrawn on 17.06.2025, on the ground that the case had reached the stage of defence. Thereafter, the present petition has been filed. The present petition has been filed to produce and mark video and audio recordings, conversations, screenshots, WhatsApp chats and the RTI report by confronting the respondent, who was examined as DW1, which is not proper at this stage. Hence, the order of dismissal passed by the trial Court, insofar as it relates to recalling DW1, is confirmed. However, liberty is granted to the petitioner, being the complainant (PW1), to further examine himself in chief and to produce documents in support of his case.



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5. The trial Court is directed to permit the petitioner to appear and mark the documents, subject to admissibility and to afford an opportunity to the respondent to cross-examine the petitioner / complainant in this regard. The entire process shall be completed within a period of two weeks. The next hearing date is fixed as 12.05.2026.

6. With the above observations, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

29.04.2026

Neutral Citation: Yes/No

AT

To

The XIX Metropolitan Magistrate, Allikulam, Egmore, Chennai.



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M.NIRMAL KUMAR, J.

AT

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