



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 17444 of 2026

and

Crl Mp No. 11626 of 2026

K.Narasimha Reddy
S/o. K.Ramachandra Reddy,
No.465/5, Velachery Bypass Road,
4th Floor, (NAC Jewelers building),
Velacherry,
Chennai 600042.

..Petitioner(s)

Vs

Dilip Bajaj
S/o. Late.P.N.Bajaj,
Old No.7, New No.13,
Padmavathi Road,
Jaipore Colony,
gopalapuram,
Chennai 600086,
Rep by his Power of Attorney Agent,
Rajesh Saravanan,
S/o. Saravanan,
Residing at No.59-C,
Foxen Street,
Perambur,
Chennai 600011.

..Respondent(s)

Prayer: This petition is filed under Section 528 of BNSS to call for the entire records connected with the docket order dated 10.03.2026 in S.T.C. No.11069 of 2025 pending trial on the file of the learned XXXIV Metropolitan Magistrate Court (FTC-I), Egmore at Allikulam, Chennai, and quash the same and pass any other order.



For Petitioner(s):

Mr. S.Saravanakumar

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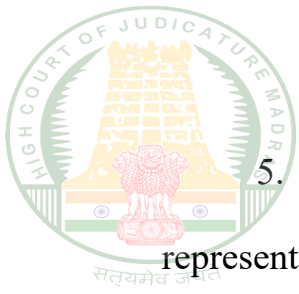
ORDER

This Criminal Original petition is filed to set aside the docket order made in STC No. 11069 of 2025. The case is a private complaint filed under section 138 of Negotiable Instruments Act.

2. It is seen that the power of attorney is representing the complainant. Already power of attorney was examined by P.W.1 and had been duly cross examined by the accused. While so on 10.03.2026 without any application the Principal was present and examined as P.W.2. The petitioner is aggrieved of the fact that the Trial Court permitted the principal to examine.

3. The learned counsel for the petitioner would submit that the Power of Attorney has already pleaded that he has firsthand knowledge with reference to the transactions and when cross examination has already been done, only to fill up the lacuna the very same and identical proof affidavit has been filed on behalf of the principal and therefore the same could not be permissible.

4. I have considered the said submissions made by the learned counsel for the petitioner.



5. It is now settled law that even though the power of attorney can represent the complainant, while letting evidence the Hon'ble Supreme Court has held that with reference to the things within the knowledge of the principal, unless the principal is examined the evidence of the attorney will not be done.

6. In that view of the matter, in the application filed under section 482 of Cr.p.c, this Court cannot go into the details of the deposition made by the power of attorney. It would be suffice to say that there is no bar for examination of the complainant himself. He had already been examined. The matter is now posted for cross examination of P.W.2. All the questions raised in the Criminal Original Petition can be brought on record by way of appropriate cross examination and it will be open to raise all grounds before the Trial Court during the course of the arguments. Keeping such liberty open to the petitioner, this Criminal Original petition stands disposed of. Consequently the connected miscellaneous petition is closed.

07-07-2026

Neutral Citation: Yes/No

SMN

To.

1. The XXXIV Metropolitan Magistrate Court (FTC-I), Egmore at Allikulam, Chennai,



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D.BHARATHA CHAKRAVARTHY, J.

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