



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP Nos. 18074 & 18110 of 2026

and

Crl.M.P.Nos. 12063 & 12095 of 2026

S.Subramani
S/o. Sambasivam,
Old No.531, New No.24/39,
Opp to RCS Church, 24th Avenue,
GKM Colony, Chennai-600 082.

..Petitioner(s)
in both petitions

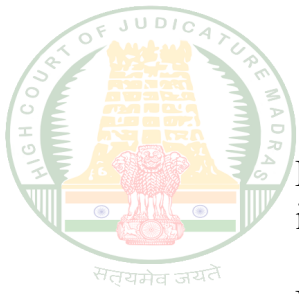
Vs

G.Surendran
S/o. Glower,
No.3/14, First Floor,
3rd Cross Street, Sai Baba Colony,
Virugambakkam 600 092.

..Respondent(s)
in both petitions

Prayer in Crl.O.P.No.18074 of 2026: Criminal Original Petition filed under Section 528 of BNSS, to set aside order passed in Crl MP No.6095/2026 dated 02.07.2026 in STC No.4572/2026 on the file of XXXV Metropolitan Magistrate Court (FTC-II), Egmore at Allikulam, Chennai and pass such further or other orders as this Honorable Court.

Prayer in Crl.O.P.No.18110 of 2026: Criminal Original Petition filed under Section 528 of BNSS, to set aside order passed in Crl MP No.6098/2026 dated 02.07.2026 in STC No.4572/2026 on the file of XXXV Metropolitan Magistrate Court (FTC-II), Egmore at Allikulam, Chennai and pass such further or other orders as this Honorable Court.



For Petitioner(s):
in both petitions

Mr.S.Sheik Ismail

For Respondent(s):

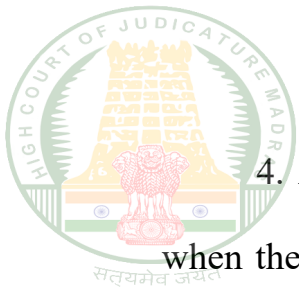
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COMMON ORDER

These two Criminal Original Petitions arise out of the same case and as such is taken up and disposed off by this common order.

2. The petitioner is the accused in the case. The case is a private complaint complaining of offence under Section 138 of the Negotiable Instruments Act. The complainant's case is that he advanced a sum of Rs.15,00,000/- by way of cash as loan to the accused. The accused is denying the liability and submits that he does not even have any relationship with the complainant. Under such circumstances, two applications are filed to recall the complainant for further cross-examination and to summon the income tax records of the complainant.

3. As far as the prayer to recall the complainant is concerned, the learned counsel have fairly annexed the evidence of the complainant. It is seen that the complainant has been cross-examined in detail. Therefore, merely because the complainant has to be cross-examined with reference to some other angle or for better cross examination or for re-doing the entire exercise, the permission cannot be granted under Section 311, as such, the Trial Court has rightly dismissed the same.



4. As far as the prayer to summon the income tax details is concerned, when the complainant has pleaded that he has advanced the money by way of cash and cross-examination in that regard has also been made, when the complainant has been specifically cross-examined in paragraph 3, at the instance of the accused, the income tax assessment of the complainant need not be summoned. The accused entitled to prove his case by his own evidence, under what circumstances the cheque came to be in the hands of the complainant.

5. The learned counsel submits that at least an opportunity to let in defence evidence shall be given to the accused. As a matter of fact, when the matter is posted for defence evidence, when no defence evidence is let in, it is for the accused to file such application before the Trial Court and upon such application is made, it is for the trial court to consider the same on its own merits. Keeping that liberty open, these Criminal Original Petitions stand disposed off. Consequently, connected miscellaneous petitions are closed.

09-07-2026

Neutral Citation: Yes/No

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D.BHARATHA CHAKRAVARTHY, J.

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1. The XXXV Metropolitan Magistrate Court (FTC-II),
Egmore at Allikulam, Chennai
2. The Public Prosecutor,
High Court of Madras, Chennai.

CRL OP Nos. 18074 & 18110 of 2026

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