



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP Nos. 18290 & 19423 of 2026

and

CRL.MP.No.12862 of 2026

N.Munish
S/o. Natarajan,
No.71, 7th Street,
Vallalar Nagar, Pattabiram,
Chennai-600 072.

..Petitioner in both
CRL.OPs

Vs

G.Babu
S/o. Mr. Ganehsan,
No.114, Ring Road Apartment,
Periyar Pathai Choolaimedu,
Chennai-600 094.

..Respondent in both
CRL.OPs

Prayer in CRL.OP.No.18290 of 2025: This Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the order passed the learned Metropolitan Magistrate, STC No.79 of 2024 XXXVII Metropolitan Magistrate / FTC-IV, George Town in Crl.MP.No.1761 of 2026 in STC No.79 of 2024 dismissing reopening of the defense evidence in Crl.MP.No.1761 of 2026 in STC No.79 of 2024 dated 19.06.2026.

Prayer in CRL.OP.No.19423 of 2026: This Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the docket order dated 12-12-2025 passed by the Learned XXXVII Metropolitan Magistrate, FTC-IV, George Town, Chennai, in Crl.MP.No.5683 of 2025 in STC No.79 of 2024 dismissing the recalling of the defense side evidence and thus render justice.



For Petitioner(s): Mr.Vijayakrishnan R.P. in both CRL.OPs

For Respondent(s): Mr.V.Vijayakumar in both CRL.OPs

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COMMON ORDER

Both these Criminal Original Petitions are connected and are therefore, disposed of by this common order.

2. The prayer in Criminal Original Petition No.18290 of 2026 is to set aside the order dated 19.06.2026 passed in Crl.MP.No.1761 of 2026 in STC No.79 of 2024. The petitioner had filed said application seeking to reopen the case for the purpose of letting in defence evidence. The said application was dismissed by the trial Court on the ground that the petitioner had earlier filed a similar application, which had already been dismissed, and that a successive application could not be entertained.

3. Thereafter, the petitioner filed Criminal Original Petition No.19423 of 2026 challenging the earlier order dated 12.12.2025 passed in CRL.MP.No.5683 of 2025 in STC.No.79 of 2024, whereby the first application filed by the petitioner to reopen the case for letting in defence evidence was dismissed.

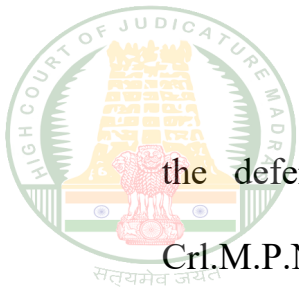


4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

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5. On consideration of the rival submissions and upon perusal of the materials available on record, it is seen that the case arises out of a private complaint filed for the offence under Section 138 of the Negotiable Instruments Act. According to the complainant, who is a practising Advocate, he had advanced a sum of Rs.4,00,000/- in cash to the accused. It is further alleged that the accused was liable to repay certain other amounts due towards various transactions and also to return certain gold articles. According to the complainant, the total liability thus aggregated to Rs.14,00,000/-, towards which the accused issued a cheque dated 06.10.2023. On presentation, the cheque was dishonoured with the endorsement “Insufficient Funds”. Thereafter, a statutory notice was issued and, since the amount remained unpaid, the complaint came to be filed and taken on file.

6. The records further disclose that the proceedings have been protracted mainly at the instance of the petitioner / accused. Even for the cross-examination of P.W.1, the matter was adjourned on several occasions before the cross-examination was ultimately completed. Thereafter, when the case was posted for defence evidence, instead of letting in defence evidence, the petitioner filed an application seeking further recall of P.W.1. Subsequently,



the defence evidence was also closed. Thereafter, the petitioner filed Crl.M.P.No.5683 of 2025 seeking to reopen the case for letting in defence evidence, which came to be dismissed by the trial Court.

7. The learned counsel for the petitioner submitted that immediately thereafter a representation was made before the trial Court, which observed that the petitioner could file a fresh application. Accordingly, the petitioner filed Crl.M.P.No.1761 of 2026, which was also dismissed. It is further submitted that, by order dated 24.06.2026 passed in Crl.O.P.No.15909 of 2026, this Court directed the trial Court to complete the proceedings on or before 02.08.2026. In view of the said direction, the trial Court dismissed the application filed by the petitioner to reopen the case and let in defence evidence, and the matter now stands posted for judgment.

8. The learned counsel for the petitioner would contend that, having regard to the nature of the allegations made by the complainant, particularly with regard to the cash loan, the liability relating to the gold articles, the chit transactions and the other alleged dues, the petitioner ought to be afforded an opportunity to place his defence before the trial Court. It is submitted that no effective opportunity has been granted to the petitioner to adduce defence evidence. It is further contended that the evidence of the petitioner's wife and mother-in-law is relevant, especially in view of the complainant's pleadings

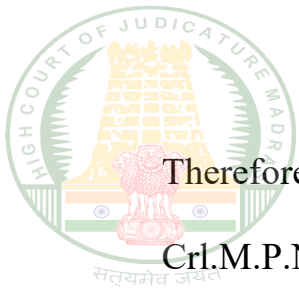


regarding the earlier proceedings between the parties. It is also submitted that the evidence of one Mr.Senthamilarasan, Advocate, is necessary, since, according to the petitioner, certain amounts paid by the accused to him were adjusted towards the transactions in question.

9. Per contra, the learned counsel for the respondent / complainant would submit that the petitioner has been afforded sufficient opportunities by the trial Court. It is pointed out that the complaint pertains to the year 2024 and the trial commenced in the year 2025. P.W.1 was cross-examined only after several adjournments sought by the petitioner. Thereafter, when the matter was posted for defence evidence, the petitioner failed to adduced any evidence and, instead, continued to file successive applications, thereby dragging on the proceedings for more than one year. It is, therefore, contended that the petitioner does not deserve any further opportunity.

10. I have considered the rival submissions made by the learned counsel on either side and perused the materials available on record.

11. It is true that the petitioner / accused is at fault in not availing the opportunities granted by the trial Court in a timely manner. It is also evident that, after the dismissal of the first application seeking to reopen the case, the petitioner filed a successive application without challenging the earlier order.

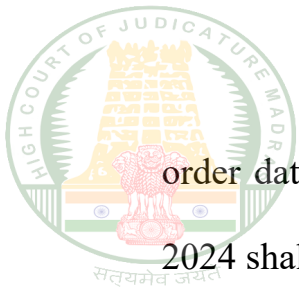


Therefore, no exception can be taken to the order dated 19.06.2026 passed in Crl.M.P.No.1761 of 2026, dismissing the successive application on the ground that an earlier application seeking the very same relief had already been dismissed.

12. However, insofar as the earlier order dated 12.12.2025 passed in Crl.M.P.No.5683 of 2025 is concerned, this Court is of the view that, having regard to the nature of the transactions alleged in the complaint, involving multiple financial dealings, cash transactions and other liabilities, the petitioner ought to be afforded one final opportunity to let in defence evidence so as to effectively establish his defence. At the same time, since the delay has occurred solely on account of the conduct of the accused, such opportunity can be granted only on terms. Accordingly, the petitioner / accused shall pay a sum of Rs.10,000/- (Rupees ten thousand only) to the respondent / complainant on or before 30.07.2026.

13. In view of the above, these Criminal Original Petitions are allowed on the following terms:

(i) The petitioner shall pay a sum of Rs.10,000/- (Rupees ten thousand only) to the respondent / complainant or to the learned counsel appearing for the respondent before this Court on or before 30.07.2026. Upon such payment, the



order dated 12.12.2025 passed in CRL.MP.No.5683 of 2025 in STC.No.79 of 2024 shall stand set aside.

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(ii) The petitioner shall be afforded one final opportunity to let in defence evidence. The petitioner is permitted to examine three witnesses, namely, the petitioner / accused himself, his mother-in-law, Mrs.Girija, and Mr.Senthamilarasan.

(iii) The petitioner / accused and Mrs.Girija shall be examined on the date fixed by the trial Court without seeking any adjournment.

(iv) Insofar as the third witness, Mr.Senthamilarasan, is concerned, the petitioner shall file an appropriate application to summon the said witness. On such application being filed, the trial Court shall issue summons and fix a specific date for his examination. The petitioner shall ensure that the witness is examined on the date so fixed without seeking any adjournment.

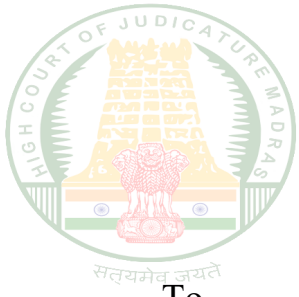
(v) Thereafter, the petitioner shall fully cooperate with the trial Court for the completion of the arguments and the early disposal of the case.

(vi) In view of the above directions, the time limit fixed by this Court in CRL.OP.No.15909 of 2026 for disposal of the case shall stand extended by a further period of one month.

Consequently, connected miscellaneous petition is closed.

20-07-2026

Neutral Citation: Yes/No
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The Learned XXXVII Metropolitan Magistrate,
FTC-IV, George Town, Chennai.



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CRL OP Nos. 18290 & 19423 of 2



D.BHARATHA CHAKRAVARTHY, J.

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