



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**CRL OP No. 19564 of 2026
and Crl.M.P.No.12979 of 2026**

Gokulakrishnan

..Petitioner(s)

Vs

K.Sathyamoorthy

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of the BNSS, to set aside the order dated 16.04.2026 made in Crl.M.P.No.96 of 2026 in STC No.495 of 2023 on the file of the learned Judicial Magistrate, Fast Track Court (Magisterial Level) Poonamallee, by allowing this Criminal Original Petition.

For Petitioner(s):

Mr.R.Darshan

For Respondent(s):

Mr.C.Kanagaraj for
M/s.S.Saranya

ORDER

The prayer in this petition is to set aside the order dated 16.04.2026 passed in Crl.M.P.No.96 of 2026 in S.T.C.No.495 of 2023.

2. The said application was filed by the petitioner with the prayer to reopen the defence evidence in order to examine two persons, viz., one Diliphan



and one Vinoth Kumar. The same was rejected by the Trial Court on the ground that the petitioner is only trying to protract the proceedings.

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3. The learned counsel for the petitioner would submit that when D.W.1 was in the box, even in his evidence, he had categorically spoken that part payment was made and these two persons are the relevant witnesses in respect of the same, and that they will be examined in due course. However, while keeping the matter for further evidence on the defence side, the Trial Court closed the evidence. Therefore, the petitioner is entitled to one opportunity.

4. Per contra, the learned counsel for the respondent would submit that when the Trial Court closed the defence evidence and posted the matter for arguments, they did not file the application immediately. Thereafter, several adjournments were taken for arguments, and even without arguing, the matter was posted for judgment. Only after five months, when the matter was posted for judgment, prior to the same, the application was filed.

5. I have considered the submissions made on either side and perused the material records of the case.



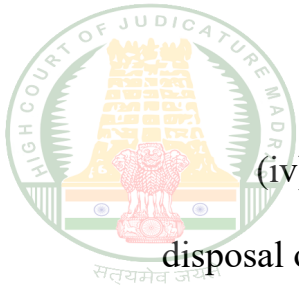
6. To an extent, the learned counsel for the respondent is correct that the application was not promptly filed when the defence evidence was closed by the Trial Court. However, at the same time, when the relevancy of the witnesses was originally mentioned by D.W.1 himself, I am of the view that an opportunity can be granted. However, for the delay and prejudice that is caused to the respondent, the same can be compensated by way of cost.

7. In view thereof, this Criminal Original Petition is allowed on the following terms:-

(i) The petitioner shall pay a sum of Rs.10,000/- as cost to the respondent within a period of two weeks from the date of receipt of the web copy of the order.

(ii) The cost shall be paid either to the respondent by way of a Demand Draft (DD) or to the learned counsel appearing before the High Court or the Trial Court.

(ii) The petitioner shall file a compliance memo before the Trial Court. Upon filing the said memo, the defence evidence shall stand reopened, and the witnesses can be produced on the same day and be examined by the defendant.



(iv) The petitioner shall cooperate with the Trial Court for the expeditious disposal of the case. Consequently, connected Miscellaneous Petition is closed.

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Neutral Citation: Yes/No
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To

The learned Judicial Magistrate, Fast Track Court
(Magisterial Level) Poonamallee.



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D.BHARATHA CHAKRAVARTHY, J.

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