



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 21588 of 2026

and

CRL.MP.No.14343 of 2026

Deepa Santhosh
Proprietor,
M/s.Kovalam Traders,
Pankajaa Mandiram,
VRP 1/765, Ndumam,
Kovalam Post,
Trivandrum - 695 527.

..Petitioner(s)

Vs

M/s. Pulkit Metals Private Ltd
RS No.95/2, 3 and 4, Erripakkam Village,
Nettapakkam Commune,
Pondicherry - 605 106.
Rep By its power of Attorney Agent
Mr.Anil Kumar Saraff.

..Respondent(s)

Prayer: This Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records and also set aside the order passed by the Learned XXVI Metropolitan Magistrate Court, Egmore, Chennai (viz to recall of Pws. 1 and allowed on 21.07.2026, Subsequently it was dismissed) in Crl.M.P.No.5850 of 2026 dated 28.07.2026 in C.C.No.2904 of 2020 and pass all such further or other orders that this Honourable Court may deem fit and proper in the circumstances of the case.

For Petitioner(s):

M/s. Meena.K



ORDER

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This Criminal Original Petition is disposed of at the admission stage without issuing notice to the respondent / complainant. Though, this order has the effect of interfering with an order passed in favour of the respondent / complainant, this Court is inclined to dispose of the petition at the admission stage, keeping mind the best interests of the respondent / complainant, as issuing notice and entertaining the petition would only result in further delay in the disposal of the case.

2. The petitioner, who is the accused in a private complaint for an offence under Section 138 of the Negotiable Instruments Act, filed an application before the trial Court seeking recall of P.W.1 for the purpose of cross-examination. The trial Court granted such opportunity subject to payment of costs of Rs.2,000/-. However, the petitioner failed to avail the opportunity by paying the costs within the stipulated time. Consequently, the application was dismissed by the trial Court by the impugned order.

3. The learned counsel for the petitioner submitted that the order was not pronounced in open Court and that the counsel was directed to verify the order through the e-Courts portal. According to the learned counsel, there was some



delay in uploading the order in the e-Courts portal and, therefore, the costs could not be paid within the prescribed time.

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4. This Court is not inclined to accept the said contention. When the accused, having already lost the earlier opportunity, sought reopening of the matter for recall of the witness, greater diligence and vigilance were expected in ascertaining the order passed by the trial Court and in complying with the condition regarding payment of costs.

5. However, considering the fact that the matter was originally posted for arguments on 03.08.2026 and is now posted on 11.08.2026, this Court is of the view that, in the interest of justice, one final opportunity may be granted to the petitioner.

6. Accordingly, the petitioner shall deposit the sum of Rs.2,000/- as directed by the trial Court together with an additional sum of Rs.1,000/-, making a total of Rs.3,000/-, on or before 11.08.2026 before the trial Court. Upon such deposit, the trial Court shall reopen the matter and secure the presence of P.W.1 for cross-examination on a convenient date to be fixed by it. The petitioner shall complete the cross-examination on the very same day. No further extension of time, either for payment of costs or for cross-examination of P.W.1, shall be granted.



7. With the above directions, this Criminal Original Petition stands disposed of. The parties shall act on the web copy of this order. Consequently, connected miscellaneous petition is closed.

06-08-2026

Neutral Citation: Yes/No

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To

The learned XXVI Metropolitan Magistrate Court,
Egmore, Chennai



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D.BHARATHA CHAKRAVARTHY, J.

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and
CRL.MP.No.14343 of 2026**

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