



Crl.OP(MD) No.13529 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.07.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.13529 of 2026
and Crl.MP(MD) No.13166 of 2026

Muthuvalarmathi

... Petitioner

Vs

K.Kathiravan

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records pertaining to the order dated 20.04.2026 in Cr.MP.No.944 of 2025 in STC.No.645/2022 on the file of the Learned Judicial Magistrate No.II, Fast Track Magistrate Level, Madurai and set aside the same.

For Petitioner : Mr. K.Neethimohan

ORDER

The present petition has been filed by the accused person in STC No.645 of 2022 on the file of Judicial Magistrate No.II, Fast Track Magistrate Level, Madurai, seeking to set aside the order in Cr.M.P.No.944 of 2025, dated 20.04.2026.

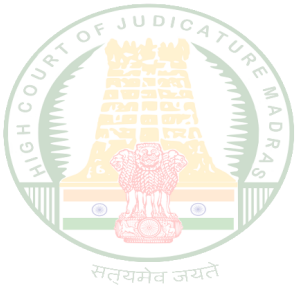


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2.Perusal of the records reveals that the respondent herein had initiated complaint in STC 645 of 2022 under Section 138 r/w Section 142 of Negotiable Instruments Act against the petitioner. The complainant was examined as PW1 on 19.01.2024 and after several adjournments, it was listed on 22.04.2024 as the last chance for cross examination of PW1. Since PW1 was not cross examined on the said date, it was suo-motu closed.

3.The accused/petitioner had filed petition in Crl.M.P.No.4632 of 2024 seeking to recall PW1 for cross examination and the said application was allowed on 28.05.2024 and permitting the petitioner to recall PW1 for the purpose of cross examination. As per the said order, PW1 was recalled and partly cross examined by the petitioner on 13.06.2024. Thereafter, it was adjourned to 02.07.2024, 24.07.2024, 28.08.2024 and 26.09.2024 for cross examination of PW1. The accused has not chosen to cross examine PW1 on these dates. Finally, it was listed on 03.10.2024 and on that date, PW1 was fully cross examined. But they sought further time for further cross examination of PW1. This request was rejected and the evidence was suo-motu closed on 03.10.2024.



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4.After a period of 10 months, namely on 13.08.2025 the present application has been filed seeking to recall PW1. This application has been dismissed by the trial Court on the ground that ample opportunities have been granted to the petitioner to cross examine PW1. Challenging the same, the present petition has been filed.

5.According to the learned counsel appearing for the petitioner, PW1 was not fully cross examined. The trial Court has suo-motu closed the cross examination of PW1 on 03.10.2024. Therefore, one more opportunity may be granted to the petitioner to cross examine PW1.

6.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

7.The dates and events narrated above clearly indicate that due to non cross examination of PW1, the evidence was suo-motu closed by the trial Court for the first time on 22.04.2024. Thereafter, on the application filed by the petitioner, PW1 was recalled. As per the order, PW1 has been cross examined by the petitioner on 13.06.2024 partly and atleast for the next four adjournments, the petitioner has not chosen to cross examine PW1. On



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03.10.2024. PW1 has been cross examined in detail and thereafter, since the petitioner has sought for further time for further cross examination of PW1, the trial Court has suo-motu closed the evidence of PW1.

8.The present application has been filed after a period of 10 months from the date of closure of evidence of PW1. It is clear that the present petition has been filed only to drag on the proceedings. In such circumstances, this Court does not find any reason to interfere with the impugned order of the trial Court and there are no merits in the petition.

9.Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

07.07.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
PNM

To

The Judicial Magistrate No.II,
Fast Track Magistrate Level, Madurai



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R.VIJAYAKUMAR, J.

PNM

ORDER MADE IN
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