



CrI.O.P.No.26611of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:25.10.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.26611 of 2024

and

CrI.M.P.No.14779 of 2024

L.T.Enterprises
Rep.by its Proprietor P.Thilak, Age 40 years,
S/o Panneerselvam,
Flat No.C-4, 4th Floor,
No.64/124, Thulasinghamillpat Street,
Triplicane, Chennai 600 005. .. Petitioner

/versus/

T.Kalaivanan .. Respondent

Criminal Original Petition has been filed under Section 528 of BNSS praying to call for the entire records relating to the order dated 24.09.2024 made in CrI.M.P.No.52282 of 2024 in S.T.C.No.5745 of 2023 passed by the learned XXVI Metropolitan Magistrate, Egmore, Chennai and set aside the same.

For Petitioner :Mr.S.Saravanan



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ORDER

The petitioner herein is the accused in S.C.No.5745 of 2023 for the offence under Section 138 of Negotiable Instruments Act, 1881. He has cross examined the complainant on 01.08.2024 and 20.08.2024. Thereafter, the examination of PW-1 was closed and proceeded further.

2. Under such circumstances, the petitioner has filed a petition under Section 311 of Cr.P.C., to recall the complainant for further cross. The said petition was opposed by the complainant stating that the petitioner/accused has admitted borrowing as well as the issuance of the cheque in his reply notice dated 24.06.2023. After cross examining him for two days, the Court closed the cross examination on completion of cross examination in full and adjourned the case on 20.08.2024 for examination of further PWs.

3. The trial Court on considering the rival submissions dismissed the petition to recall PW-1 stating that the reason stated in the petition to recall PW-1 is not sufficient and the witness having been examined extensively for two days, he cannot be recalled to speak about



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the alleged transaction with one Maya which he has denied. If at all the petitioner wants to establish regarding repayment of money through Maya, the witness competent to speak about is Maya and not the complainant, who has denied the suggestion of repayment through Maya.

4. This Court on perusing the records, finds no ground to interfere with the order of the trial Court dated 24.09.2024. Hence, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

25.10.2024

Index:yes/no
Internet:yes/no
Speaking order/non speaking order
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To:
The XXVI Metropolitan Magistrate, Egmore, Chennai.



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DR.G.JAYACHANDRAN,J.

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