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Crl.O.P.No.624 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.624 of 2025 and

Crl.M.P.No.238 of 2025

A.A.Sivakumar

... Petitioner

Vs.

R.M.Karuppiah

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to set aside the order dated 12.12.2024 passed by the learned Metropolitan Magistrate, Fast Track Court-II, Egmore at Allikulam, Chennai in Crl.M.P.No.66737 of 2024 in S.T.C.No.4938 of 2023.

For Petitioner : Mr.T.K.S.Gandhi

ORDER

This Criminal Original Petition has been filed by the petitioner to set aside the order dated 12.12.2024 passed by the learned Metropolitan



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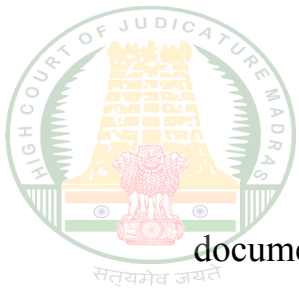
Magistrate, Fast Track Court-II, Egmore at Allikulam, Chennai in

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Crl.M.P.No.66737 of 2024 in S.T.C.No.4938 of 2023.

2. The case of the petitioner is that the petitioner is the complainant in S.T.C.No.4938 of 2023 on the file of the Metropolitan Magistrate, Fast Track Court-II, Egmore at Allikulam, Chennai. After examination of petitioner side evidence, the respondent/accused also let in evidence on his side. Since the respondent/accused by marking some documents, tried to project that the loan alleged by the petitioner/complainant was already repaid, the petitioner/complainant filed a petition under Section 348 of BNSS to recall the petitioner for further evidence. But the same was dismissed by order dated 12.12.2024. Challenging the same, the present petition is filed.

3. The contention of the petitioner is that the petitioner/complainant was necessitated to file the recall petition to file additional documents only when the accused had filed and marked documents on his side as if, he had repaid the borrowed amount. But the Court below erred by giving a finding that the



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documents sought to be marked by the petitioner/complainant were irrelevant

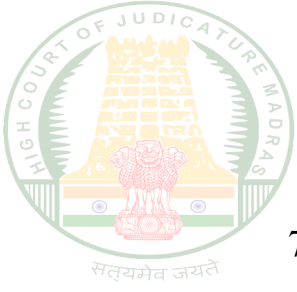
to the case and they were totally unconnected. The learned counsel for the petitioner submitted that when the accused is permitted by the Court below to file an irrelevant document, the complainant is necessitated to disprove the evidence of the accused by producing other valid and relevant evidentiary material. Therefore, he seeks to set aside the order passed by the Court below.

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

5. Since no adverse order is being passed against the respondent, notice to the respondent is dispensed with.

6. It is settled preposition of law that when a case is at the stage of arguments after completion of evidence on the side of the complainant and defense, Section 348 of B.N.S.S. cannot be invoked. Therefore, the learned Magistrate rightly dismissed the petition filed by the petitioner/complainant.

This Court does not find any merits in this case.



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7. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected Miscellaneous Petition is closed.

8. The petitioner is at liberty to work out his remedy in the manner

known to law.

10.01.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

The Metropolitan Magistrate,

Fast Track Court-II,

Egmore, Allikulam, Chennai



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P.VELMURUGAN. J.

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