



Crl.O.P.No.1379 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.1379 of 2025

and

Crl.M.P.No.796 of 2025

C.V.Vasanth Kumar

... Petitioner

Vs.

M/s. R.S.Development and Construction India Private Ltd.,
Represented by its Deputy Manager Jayaprakash,
Having Office at No.131/1,
APT Road, Erode.

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of B.N.N.S., to call for the records relating to order dated 27.12.2024 in Crl.M.P.No.6503 of 2024 in S.T.C.No.455 of 2023 pending on the file of the learned Judicial Magistrate, Fast Track Court No.1, Erode and set aside the same.

For Petitioner : Mr.G.R.Arvind

For Respondent : Mr.G.Balaji

ORDER

This petition has been filed challenging the order dated 27.12.2024 in



Crl.O.P.No.1379 of 2025

Crl.M.P. No. 6503 of 2024 in S.T.C. No. 455 of 2023, on the file of the learned

WEB Judicial Magistrate, Fast Track Court No. 1, Erode, thereby dismissing the
petition filed under Section 311 of Cr.P.C. as costs were not paid.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act. After the examination of PW.1 in chief, the petitioner failed to cross-examine PW.1. Therefore, the complainant's side evidence was closed and when the matter was posted for questioning under Section 313 of Cr.P.C., the petitioner filed a petition to recall PW.1. It was allowed on the condition that the petitioner shall pay a sum of Rs. 750/- to the respondent. However, the petitioner failed to comply with the said condition and as such, on 27.12.2024, the Trial Court dismissed the petition.

4. The learned counsel for the petitioner submitted that so far PW.1 was not cross-examined and as such, requested to give one more opportunity to put forth his defence.



Crl.O.P.No.1379 of 2025

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5. In view of the above, the order dated 27.12.2024 in Crl.M.P. No. 6503 of 2024 in S.T.C. No. 455 of 2023, on the file of the learned Judicial Magistrate, Fast Track Court No. 1, Erode, is set aside on the condition that the petitioner shall pay a sum of Rs. 2,000/- to the respondent. Thereafter, the Trial Court is directed to fix a date for the cross-examination of PW.1 and on that date, if the petitioner fails to cross-examine PW.1, the Trial Court is directed to proceed in accordance with law.

6. In the result, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

24.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

kv

To

The Judicial Magistrate, Fast Track Court No.1, Erode



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Crl.O.P.No.1379 of 2025

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.1379 of 2025

24.02.2025