



Crl.O.P.No.2553 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.2553 of 2025

and

Crl.M.P.No.1624 of 2025

U.Sasidharan

... Petitioner

Vs.

C.Ravindran

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of B.N.N.S., to set aside the order in M.P.No.4168 of 2024 in S.T.C.No.221 of 2022 dated 05.08.2024 passed by the learned Judicial Magistrate, Fast Track Court at Poonammallee consequently allow the petition to recall the witness filed by the petitioner.

For Petitioner : Mr.P.Suresh
For Respondent : Mr.C.B.Murali Krishnan

ORDER

This petition has been filed to set aside the order in M.P. No. 4168 of 2024 in S.T.C. No. 221 of 2022, dated 05.08.2024, passed by the learned Judicial Magistrate, Fast Track Court at Poonammallee, thereby dismissing the



Crl.O.P.No.2553 of 2025

petition to recall PW.1 for cross-examination.

WEB COPY 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 in S.T.C. No. 221 of 2022. The respondent was examined in chief and when the matter was posted for cross-examination of PW.1, the PW.1 was also examined extensively. Hence, the petitioner filed a petition to recall PW.1 for further cross-examination on receipt of a new set of facts. Therefore, the Trial Court dismissed the petition filed by the petitioner.

4. The learned counsel for the petitioner submitted that when the matter was posted for further cross-examination of PW.1, the counsel for the petitioner could not cross-examine PW.1 since she suffered from Viral Fever. Therefore, the petitioner could not cross-examine PW.1. Hence, the evidence of the complainant's side was closed and the matter was posted for questioning under Section 313 of Cr.P.C. Therefore, the petitioner filed a petition under Section 311 of Cr.P.C. to recall PW.1 for further cross-examination.



Crl.O.P.No.2553 of 2025

WEB COPY 5. Admittedly, the petitioner had extensively cross-examined PW.1.

Now, the petitioner seeks further cross-examination of PW.1 on a new set of facts, that too when the matter was posted for defence witness. Therefore, the Trial Court has rightly dismissed the petition filed by the petitioner. Hence, this Court finds no infirmity or illegality in the order passed by the Trial Court.

6. In the result, this Criminal Petition is dismissed. However, the Trial Court is directed to complete the trial within a period of three months from the date of receipt of a copy of this order. 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 at Poonammallee.



WEB COPY



Crl.O.P.No.2553 of 2025

G.K.ILANTHIRAIYAN, J.

kv

Crl.O.P.No.2553 of 2025

24.02.2025