



WEB COPY



Crl.O.P.No.1719 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM:

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

Crl.O.P.No. 1719 of 2025 &
Crl.M.P.No.1032 of 2025

L.T. Enterprises
represented by its Proprietor P.Thilak

... Petitioner

Vs.

T. Kalaivanan

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to call for the entire records relating to the order dated 31.12.2024 made in Crl.M.P.No.76113 of 2024 in STC.No.5745 of 2023 passed by the learned XXVI Metropolitan Magistrate, Egmore, Chennai and set aside the same.

For Petitioner : Mr.S. Saravanan

For Respondent : Mr.S.Kishore

ORDER

This Criminal Original Petition has been filed to call for the entire records relating to the order dated 31.12.2024 made in Crl.M.P.No.76113 of 2024 in ST.No.5745 of 2023 passed by the learned XXVI Metropolitan Magistrate, Egmore, Chennai and set aside the same.



Crl.O.P.No.1719 of 2025

WEB COPY

2. The petitioner, on the complaint lodged by the respondent under section 138 of Negotiable Instruments Act in STC.No.5745 of 2023 is facing trial before the XXVI Metropolitan Magistrate, Egmore, Chennai. After completion of trial, the matter is posted for arguments. Pending trial in STC, the petitioner has filed a petition in Cr.M.P.No.76113 of 2024 to reopen the case to examine one Maya as his witness on the ground that she is none other than the employee of the respondent and she acted as collection agent on behalf of the respondent and during the course of her collection, the petitioner has paid substantial amount and she has collected the same as the collection agent on behalf of the respondent.

3. Further, on perusal of cross examination of respondent/PW1, it is seen that he has clearly denied the employment of any collection agent in the name of Maya, when that being so, what is the relationship between the petitioner and above said Maya, without knowing the relationship between the petitioner and said Maya, the request made by the petitioner cannot be considered since PW1/respondent has categorically denied the employment of Maya under him as collection agent. Thus the petition filed by the petitioner to reopen his evidence is nothing but to drag on the trial proceedings.



Crl.O.P.No.1719 of 2025

4. In view of the above discussion, this Court finds no infirmity or

illegality in the order passed by the trial court. This Petition is dismissed.

Consequently, the connected miscellaneous petition is closed. The trial court is directed to dispose of the case in STC.No.5745 of 2023 within a period of three months from the date of receipt of a copy of this order.

19.02.2025

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

To

The XXVI Metropolitan Magistrate, Egmore, Chennai



WEB COPY



Crl.O.P.No.1719 of 2025

G.K.ILANTHIRAIYAN, J.

msr

Crl.O.P.No. 1719 of 2025 &
Crl.M.P.No.1032 of 2025

19.02.2025