



Crl.O.P.No.1720 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2025

CORAM:

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

Crl.O.P.No.1720 of 2025
and Crl.M.P.No.1030 of 2025

M.Manikandan

... Petitioner

Vs.

Sundar

... Respondent

Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 05.12.2024 passed in Crl.M.P.No.593 of 2024 in S.T.C.No.37 of 2022 by the learned Fast Track Judicial Magistrate, Nagapattinam and consequently recall P.W.1 and allow the petitioner to cross-examine P.W.1.

For Petitioner : Mr.S.Surya
For M/s. A.S.Kailasam and Associates

For Respondent : Mr.J.Jawahar

ORDER

This petitioner has been filed challenging the order dated 05.12.2024 passed by the learned Fast Track Judicial Magistrate, Nagapattinam, in Crl.M.P.No.593 of 2024 in S.T.C.No.37 of 2022,



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thereby dismissing the application filed by the petitioner under Section 348 of BNSS to recall P.W.1 for further cross-examination.

2. The petitioner is an accused in the complaint lodged by the respondent for the offences under Section 138 of Negotiable Instruments Act, in S.T.C.No.37 of 2022 on the file of the learned Fast Track Judicial Magistrate, Nagapattinam. The respondent was examined as P.W.1 and on 23.02.2024, P.W.1 was cross-examined by the petitioner in detail. Once again, when the matter was posted for judgement, the petitioner filed the petition to recall P.W.1 for further cross-examination on the ground that, earlier counsel failed to put up vital questions in respect of discrepancies in the signature found in the cheque issued by the petitioner.

3. It is well settled law that new counsel on record is not the reason for recalling the witness once again. Further already the petitioner cross-examined P.W.1 in detailed manner. Therefore, the trial Court rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below. However, the trial Court viz., the learned Fast Track Judicial Magistrate, Nagapattinam, is



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directed to dispose the case in S.T.C.No.37 of 2022, within a period of
six weeks from the date of receipt of a copy of this order.

4. Accordingly, the Criminal Original Petition stands
dismissed. Consequently, connected miscellaneous petition is closed.

21.02.2025

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

rts

To

The Fast Track Judicial Magistrate,
Nagapattinam.



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G.K.ILANTHIRAIYAN, J.

rts

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