



CrI.O.P.No.2755 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.2755 of 2025
and CrI.M.P.No.1769 of 2025

P.Ganapathy Petitioner

Vs

A.X.R. Fernando Respondent

Prayer: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed by the Learned XIX Metropolitan Magistrate, Egmore At Allikulam, Chennai, in CrI.M.P.No.4794 of 2024 in C.C.No.228 of 2019 by its order dated 28.11.2024.

For Petitioner : Mr.A.P.Sathya Murthy

ORDER

This Criminal Original Petition has been filed to set aside the order dated 28.11.2024 passed in CrI.M.P.No.4794 of 2024 in C.C.No.228 of 2019 by the XIX Metropolitan Magistrate, Egmore At Allikulam, Chennai, thereby dismissing the petitioner filed under Section 311 of Cr.P.C to recall P.W.1.



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

3. A perusal of the records reveals that the respondent lodged a complaint for the offence punishable under Section 138 of the Negotiable Instruments Act as against the petitioner in the year 2018. The case was taken cognizance in C.C.No.228 of 2019 and the complainant was examined in the year 2019 itself. In fact, in the same year i.e., 2019, the complainant was also cross examined by the petitioner on two occasions. Thereafter, after a period of four years, when the matter was posted for questioning under Section 313 of Cr.P.C, the petitioner filed an application under Section 311 of Cr.P.C. to recall P.W.1 for further cross examination.

4. Admittedly, P.W.1 was cross examined long back, and after a period of four years, the petitioner filed an application to recall P.W.1. That apart, the arguments of the complainant had already concluded and the matter was posted for argument of the accused.



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5. In view of the above, the Trial Court rightly dismissed the

application filed by the petitioner under Section 311 of Cr.P.C. and it does not warrant any interference by this Court. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

04.02.2025

Lpp
Index:Yes/No
Internet:Yes/No

To

The XIX Metropolitan Magistrate,
Egmore at Allikulam, Chennai



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G.K.ILANTHIRAIYAN,J.

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