



Crl.O.P.No.8580 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8580 of 2025
and Crl.M.P.No.5587 of 2025

Silambarasan

... Petitioner

Vs

P.Senthil Kumar

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C/ Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and set aside the order passed by the Judicial Magistrate, Gingee in Crl.M.P.No.5072 of 2024 in S.T.C.No.5 of 2024 dated 10.10.2024 by allowing the Criminal Original Petition.

For Petitioner : Mr.V.Madasamy

For Respondent : Notice served

No appearance

ORDER

This petition has been filed to set aside the order passed by the Judicial Magistrate, Gingee in Crl.M.P.No.5072 of 2024 in S.T.C.No.5 of 2024 dated 10.10.2024, thereby allowing the petition to recall PW1 with cost of Rs.8,000/-.



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2. Heard the learned counsel for the petitioner and perused the materials placed on record. Though notice was served on the respondent and the name has been printed in the cause list, today, no one appeared on behalf of the respondent before this Court in person or through pleader.

3. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of Negotiable Instruments Act. The respondent was examined as PW1. However, on the date of chief examination, the petitioner failed to cross examine the respondent. Therefore, the petitioner filed a petition to recall PW1 for cross examination in Crl.M.P.No.5072 of 2024 on the file of the Trial Court. The Trial Court, by an order dated 10.10.2024 allowed the petition on payment of Rs.8,000/- payable by the petitioner to the respondent. The petitioner did not cross examine PW1 so far.

4. In view of the above, the condition imposed on the petitioner by the trial Court in Crl.M.P.No.5072 of 2024 in S.T.C.No.5 of 2024 dated 10.10.2024 is alone set aside. The Trial Court is directed to fix a date for cross examination of PW1 and if the petitioner fails to cross PW1 on the date fixed by the trial Court, the Trial Court is directed to proceed with the trial in



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accordance with law.

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5. Accordingly, this Criminal Original Petition is allowed.

Consequently, connected Miscellaneous petition is closed.

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Internet:Yes

Index:Yes/No

Speaking/Non speaking order

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G.K.ILANTHIRAIYAN. J.

mn

To

The Judicial Magistrate, Gingee.

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