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Crl.O.P.No.4156 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4156 of 2025

and

Crl.M.P.No.2648 of 2025

Ravikumar

... Petitioner

Vs

M/s. Equitas Small Finance Bank Limited,
(Formerly known as M/s. Equitas Finance Ltd),
Office at Spencer Plaza,
No.769, 4th Floor, Phase-II,
Anna Salai, Chennai-600002.
Rep. by its Authorised Officer,
Mr. Balaji.

... Respondent

Criminal Original Petition is filed under Section 528 of B.N.S.S. to set aside the order dated 03.02.2025 passed in Crl.M.P.No.1123/2025 in S.T.C.No.7886 of 2024 on the file of the Court Fast Track Judicial Magistrate-I, Allikulam, Chennai District and reopen the evidence to enable the Petitioner to produce witnesses before the Fast Track Judicial Magistrate-I, Allikulam, Chennai District.

For Petitioner

: Mr.N.Palanivel



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ORDER

This petition has been filed to challenge the order passed in CrI.M.P.No.1123 of 2025 in STC.No.7886 of 2024 on the file of the Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam, Chennai – 03, thereby dismissing the petition filed by the petitioner to recall the evidence of PW1.

2. The petitioner is an accused in the complaint lodged by the respondent for the offences punishable under Section 138 of the Negotiable Instruments Act. The same has been taken cognizance in S.T.C.No.7886 of 2024 by the Trial Court. After the examination of PW1 in chief, the petitioner failed to cross-examine PW1. Thereafter, the evidence of PW1 was closed. Therefore, the petitioner filed a petition to recall the evidence of PW1 for cross-examination under Section 348 of the B.N.N.S, 2023. However, the Trial Court dismissed the petition on the ground that the reasons stated by the petitioner were not satisfactory.



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

4. Admittedly, the PW1 was not cross-examined so far. Therefore, in order to give one more opportunity to the petitioner to cross-examine the evidence of PW1, accordingly, the order dated 03.02.2025 passed in Crl.M.P.No.1123/2025 in S.T.C.No.7886 of 2024 cannot be sustained and it is liable to be set aside.

5. In view of the above, the impugned order passed in Crl.M.P.No.1123 of 2025 in STC.No.7886 of 2024 on the file of the Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam, Chennai, is set aside. The Trial Court is directed to fix a date for the cross-examination of PW1. If the petitioner fails to cross-examine the evidence of PW1 on the date fixed by the Trial Court, the Trial Court is directed to proceed with the trial in accordance with law.



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6. In the result, this Criminal Original Petition is allowed.

Consequently, the connected Miscellaneous Petition is closed.

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Index: Yes/No
Neutral Citation/Yes/No
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To

The Fast Track Judicial Magistrate-I,
Allikulam,
Chennai District



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G.K.ILANTHIRAIYAN, J.

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