



Crl.O.P.No.5552 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5552 of 2025
and Crl.M.P.No.3599 of 2025

Qute Extrusions (P) Ltd
Rep By P.J. Sampath Kumar

... Petitioner

Vs

Mohamutuifrahim Shajahan

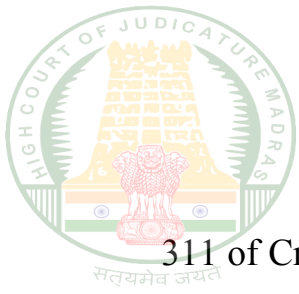
... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code/Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and set aside the Impugned order dated 10.02.2025 in Crl.MP.No.1616 of 2025 in STC.No.4053 of 2024 on the file of the Learned Metropolitan Magistrate, Fast Track Court at Magisterial Level - II, Egmore, Allikulam, Chennai and to permit the petitioner to recall the petitioner/Complainant as PW1 to depose further evidence to mark the invoices and statement of Accounts.

For Petitioner : M/s Mahima Makhija

ORDER

This petition has been filed to set aside the Impugned order dated 10.02.2025 in Crl.MP.No.1616 of 2025 in STC.No.4053 of 2024 on the file of the Metropolitan Magistrate, Fast Track Court at Magisterial Level - II, Egmore, Allikulam, Chennai, thereby dismissing the petition file under Section



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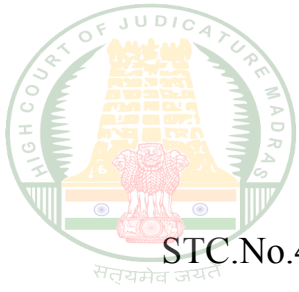
311 of Cr.P.C, to recall PW.1.

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

3. The petitioner is a complainant in the complaint lodged as against the respondent for the offence under Section 138 of Negotiable Instruments Act. The complaint has been filed in the year 2017. Thereafter, the respondent was examined as PW.1. He was also cross examined fully by the petitioner. After a period of several years, the petitioner, once again filed an application to recall PW.1 for further cross examination, on the ground that while shifting their office they had misplaced some of the documents and now all the documents are available. It amounts to fill up the lacuna and also to drag the entire proceedings from the year 2017. That apart, already the petitioner had cross examined PW.1.

4. In view of the above, the Trial Court had rightly dismissed the petition filed under Section 311 of Cr.P.C and this Court finds no infirmity or illegality in the order dated 10.02.2025 in Crl.MP.No.1616 of 2025 in



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STC.No.4053 of 2024 on the file of the Metropolitan Magistrate, Fast Track Court at Magisterial Level - II, Egmore, Allikulam, Chennai. The Trial Court is directed to complete the Trial in STC.No.4053 of 2024, within a period of twelve weeks from the date of receipt of a copy of this order.

5. Accordingly, this Criminal Original petition is dismissed.

Consequently, connected Miscellaneous petition is closed.

27.02.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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To

1. The Metropolitan Magistrate, Fast Track Court at Magisterial Level - II, Egmore, Allikulam, Chennai.
2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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