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Crl.O.P.No.4761 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.4761 of 2025

Vijaya

... Petitioner

Vs.

Ramesh

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed in Crl.M.P.No.672 of 2025 in STC No.5755 of 2023 dated 10.02.2025 and further direct the learned Metropolitan Magistrate, FTC-II, Allikulam, Egmore, Chennai to re-open the evidence of complainant and recall PW1 and permit the petitioner to cross examine him.

For Petitioner : Mr. A.Mohamed Ismail

ORDER

This Criminal Original Petition has been filed to challenge the order passed in Crl.M.P. No. 672 of 2025 in STC No. 5755 of 2023, dated 10.02.2025, thereby dismissing the petition under Section 311 of the Cr.P.C. to cross-examine PW.1.



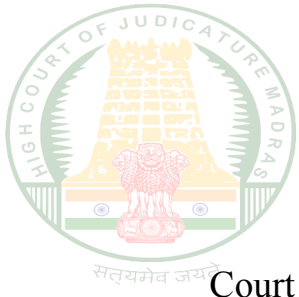
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2. Heard the learned counsel for the petitioner and perused the materials placed on record.

3. The petitioner is an accused in the complaint lodged by the respondent for the offences punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'the NI Act' for short) in S.T.C. No. 5755 of 2023 on the file of the learned Metropolitan Magistrate, FTC-II, Allikulam, Egmore, Chennai. The respondent was examined as PW1. Thereafter, the petitioner failed to cross-examine him and thereafter, the petitioner filed a petition to recall PW1 and cross-examine him.

4. After examining the defence witness, once again the petitioner filed another petition under Section 311 of the Cr.P.C. to recall PW.1 to mark the building construction agreement between the respondent and the petitioner's vendor. Admittedly, the petitioner is not a party to the said document and he is in no way connected to the complaint lodged by the respondent for the offences punishable under Section 138 of the NI Act. Therefore, the Trial Court has rightly dismissed the petition. Hence, this



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Court finds no infirmity or illegality in the order passed by the Trial Court.

5. Accordingly, this Criminal Original Petition is dismissed.

21.02.2025

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

To

The Metropolitan Magistrate,
FTC-II, Allikulam,
Egmore, Chennai



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G.K.ILANTHIRAIYAN, J.

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