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1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.7112 of 2024
& C.M.P.No.5175 of 2024

S.Gnanavel

... Petitioner

Vs.

G.Ramajayam

... Respondent/complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records relating to the order dated 14.02.2024 made in CrI.M.P.No.174 of 2024 in C.C.No.75 of 2021 on the file of the Judicial Magistrate, Chengam, Tiruvannamalai and set aside the same.

For Petitioner : Ms.V.Suguna

For Respondent : Notice served.

ORDER

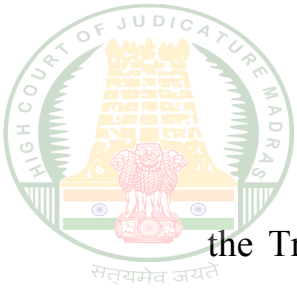
This Criminal Original Petition has been filed to set aside the order in CrI.M.P.No.174 of 2024 in C.C.No.75 of 2021 dated 14.02.2024, passed by the Judicial Magistrate, Chengam,



Tiruvannamalai, thereby dismissed the Application filed by the petitioner to recall P.W.1 for cross examination.

2. It is seen that the petitioner is the sole accused on the complaint lodged by the respondent in C.C. No.75 of 2021 for the offence under Section 138 of the Negotiable Instruments Act, 1881. The respondent was examined in chief and the matter was posted for cross examination. However, the petitioner failed to cross examine P.W.1. Therefore, Petition under Section 145(2) of the NI Act has been filed by the petitioner to recall P.W.1 for cross examination, however the Trial Court dismissed the same on the ground that the petitioner failed to state sufficient reasons to recall of P.W.1. Admittedly, the petitioner did not cross examine P.W.1 so far.

3. Considering the facts and circumstances of the case, this Court feels that the petitioner may be given one more opportunity to put fourth his defence. Accordingly, the order dated 14.02.2024, passed by the learned Judicial Magistrate, Chengam, Tiruvannamalai in CrI.M.P.No.174 of 2024 in C.C.No.75 of 2021, is hereby set aside and the petitioner is permitted to cross examine P.W.1 on the date fixed by



the Trial Court. If the petitioner failed to cross-examine P.W.1 on that date, the Trial Court is directed to proceed with trial in accordance with law.

4. With the above directions, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is also closed.

18.02.2025

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
rkp

To
The Judicial Magistrate, Chengam,
Tiruvannamalai



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4



G.K.ILANTHIRAIYAN, J.

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