



Crl.O.P.Nos.6845 and 7867 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.Nos.6845 and 7867 of 2025
and Crl.M.P.No.5081 of 2025

P.Maniyan

... Petitioner in both Crl.O.Ps

Vs

R.Subramani

... Respondent in both Crl.O.Ps

Common Prayer : Criminal Original Petitions have been filed under Section 528 of BNSS Act, 2023/Section 482 of Cr.P.C., pleaded to set aside the order dated 28.11.2024 passed in Cr.MP.No.1759 of 2024 in C.C.No.80 of 2024 and in Cr.MP.No.1760 of 2024 in C.C.No.80 of 2024 on the file of the Learned District Munsiff cum Judicial Magistrate, Madukkarai.

In Both Crl.O.Ps

For Petitioner : Mr.K.Vasanthanayagan

For Respondent : Mr.I.Abrar Md.Abdullah

COMMON ORDER

These Criminal Original Petitions have been filed to set aside the order dated 28.11.2024 passed in Cr.MP.No.1759 of 2024 in C.C.No.80 of 2024 and in Cr.MP.No.1760 of 2024 in C.C.No.80 of 2024 on the file of the



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Learned District Munsiff cum Judicial Magistrate, Madukkarai, thereby allowing the petitions filed by the respondent to reopen and recall PW1 for further cross examination.

2. Heard both sides and perused the materials available on record.

3. The petitioner is the complainant and the respondent is the accused in the complaint lodged for the offence punishable under Section 138 of Negotiable Instruments Act. After examination of witnesses, when the matter is posted for arguments, the respondent herein filed petitions to reopen and recall PW1 for further cross examination.

4. A perusal of records revealed that the petitioner was examined as PW1. He was fully cross examined by the respondent herein. When the matter is posted for arguments, once again, the respondent filed an application for reopen and recall of PW1 for further cross examination. It amounts to fill up the lacuna and the Trial Court ought not to have allowed



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the petitions filed for reopen and recall of PW1 that too when the matter is posted for arguments.

5. In view of the above, this Court finds infirmity in the order passed by the Trial Court and is liable to be set aside. Accordingly, the order dated 28.11.2024 passed in Cr.MP.No.1759 of 2024 in C.C.No.80 of 2024 and in Cr.MP.No.1760 of 2024 in C.C.No.80 of 2024 on the file of the District Munsiff cum Judicial Magistrate, Madukkarai, is hereby set aside.

6. The District Munsiff cum Judicial Magistrate, Madukkarai is directed to complete the Trial in C.C.No.80 of 2024, within a period of eight weeks from the date of receipt of a copy of this order.

7. In the result, these Criminal Original Petitions are allowed. Consequently, connected Miscellaneous petition is closed.

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Index: Yes/No
Speaking Order: Yes/No
mn

G.K.ILANTHIRAIYAN,J.



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To

The District Munsiff cum Judicial Magistrate,
Madukkarai.

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