



Crl.O.P.No.7998 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: **17.03.2025**

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7998 of 2025

and

Crl.M.P.No.5168 of 2025

1.M/s. Cedilla Brand Art LLP,
Rep. By its Director, Mr. Feroz Pasha

2.Mr. Feroz Pasha

3.Mr. Manoharan John Samuel

... Petitioners

Versus

D.Sureshkumar,
Proprietor,
M/s. Eyeda Brand Solutions,
Door No.5F, 5th floor, J.P.Tower,
7/2, Nungambakkam High Road,
Nungambakkam, Chennai – 600 034.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order in Crl.M.P.No.1327 of 2025 in S.T.C.No.5125 of 2024, on the file of Fast Track Court-II, Egmore at Allikulam, Chennai dated 07.02.2025.

For Petitioner : Mr. K. Thiruvengadam

For Respondents : Mr. M. Mohamed Muzammil



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ORDER

This petition has been filed challenging the order dated 07.02.2025 passed in Crl.M.P.No.1327 of 2025 in S.T.C.No.5125 of 2024 on the file of the Metropolitan Magistrate, Fast Track Court No.II, Egmore at Allikulam, Chennai, and thereby dismissed the application filed to recall P.W.1 for cross-examination.

2. The petitioners are the accused in S.T.C.No.5125 of 2024. The complaint lodged against them for the offence under Section 138 & 142 of the Negotiable Instruments Act, 1818.

3. The respondent was examined as P.W.1. Though the petitioners were given enough opportunity to cross-examine P.W.1, they failed to cross-examine him. After closing of the complainant's witnesses, the petitioners filed an application to recall P.W.1, under Section 311 of Cr.P.C., it was allowed on 11.07.2024 on condition that the petitioners shall cross-examine P.W.1 on the date of appearance of the witness. Though P.W.1 appeared before the Trial Court on the various dates i.e. on 06.11.2024, 13.11.2024, 09.12.2024 and 11.12.2024, the petitioners failed to cross-examine P.W.1.



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Therefore, once again, the complainant's witnesses were closed. Thereafter, another petition has been filed to recall P.W.1 for cross-examination. Therefore, it is nothing, but clear abuse of process of the Court and it is the tactics of dragging the proceedings.

4. That apart, already the Trial Court has been completed the case. At this stage, this Court is not inclined to interfere with the order passed by the Trial Court.

5. With the above observations, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

17.03.2025
(4/5)

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

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To

1.The Fast Track Court-II, Egmore at Allikulam, Chennai.



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G.K.ILANTHIRAIYAN, J.

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