



Crl.O.P.No. 8442 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

CORAM:

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

Crl.O.P.No. 8442 of 2025

and

Crl.M.P.No.5543 of 2025

A.R.Jayaganesh

..... Petitioner

Vs

G.Ravisekar

..... 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.13240 of 2024 in S.T.C No.6836 of 2022 on the file of FTC Vth Metropolitan Magistrate Saidapet, Chennai dated 19.07.2024.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.R.Nalliappan

ORDER

This Criminal Original Petition has been filed challenging the order dated 19.07.2024 passed in Crl.M.P.No.13240 of 2024 in STC No.6836 of 2022 on the file of the V Metropolitan Magistrate, Fast Track Court, Saidapet, Chennai.



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2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act. The respondent was examined as P.W.1. After the chief examination of P.W.1, the petitioner failed to cross examine the witness. Subsequently, the petitioner filed an application on 07.12.2023 seeking to recall P.W.1 for cross examination and the same was allowed on 14.05.2024. Even till 12.07.2024 the petitioner failed to cross examine P.W.1, though the petitioner was given several opportunities. Consequently, the evidence of P.W.1 was closed. O

4. Once again, the petitioner filed a petition under Section 311 of Cr.P.C and the same was ordered. Even then the petitioner failed to cross examine P.W.1. Thereafter, the matter was posted for argument and the petitioner also advanced arguments before the Trial Court. When the matter was posted for Judgment on 08.04.2025, the petitioner filed the present petition challenging the order dated 19.07.2024 in CrI.M.P.No.13240 of 2024 to recall P.W.1.



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5. It is seen that the recall petition was filed on three occasions. Even after the dismissal of the recall petition by order dated 19.07.2024, the respondent was examined as P.W.1 and the case was argued by both parties. When the matter was posted for judgment on 08.04.2025, the petitioner come forward with the present petition challenging the order dated 19.07.2024 in CrI.M.P.No.13240 of 2024. Therefore, it is nothing but only to drag the proceedings and nothing else.

6. In view of the above, this Court finds no infirmity or illegality in the order dated 19.07.2024 passed in CrI.M.P.No.13240 of 2024 on the file of the V Metropolitan Magistrate, Fast Track Court, Saidapet, Chennai. However, the Trial Court is directed to dispose the STC No.6836 of 2022 within a period of four weeks from the date of receipt of a copy of this order.

7. In the result, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

04.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.



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To
The V Metropolitan Magistrate,
Fast Track Court, Saidapet, Chennai

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