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Crl.O.P.No.9561 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2025

CORAM:

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

Crl.O.P.No.9561 of 2025 and
Crl.M.P.No.6386 of 2025

Sathishkumar

... Petitioner

Vs.

Udayakumar

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the impugned order dated 31.12.2024 passed by the learned Judicial Magistrate, Chengam in Crl.M.P.No.4260 of 2024 in C.C.No.14 of 2023.

For Petitioner : Mr.M.Palanivel

For Respondent : Mr.T.S.Sankar

ORDER

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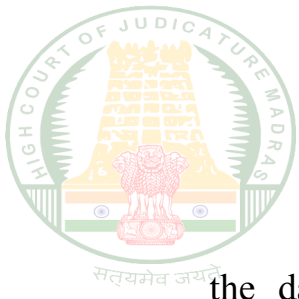


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WEB COPY This Criminal Original Petition has been filed challenging the order passed in Crl.M.P.No.4260 of 2024 in C.C.No.14 of 2023 dated 31.12.2024 on the file of the learned Judicial Magistrate, Chengam whereby the application filed under Section 311 of Cr.P.C for recalling PW1 for cross examination was dismissed.

2. The petitioner is the accused in a case arising from a complaint lodged by the respondent for the offence under Section 138 of Negotiable Instruments Act, 1881. The respondent was examined as PW1 on 05.09.2024. However, on that date, the petitioner failed to cross-examine PW1. Consequently, the evidence of PW1 was closed on the same day. It is undisputed that PW1 has not been subjected to cross-examination to date. Therefore, the petitioner seeks one final opportunity to cross examine PW1 on payment of a costs amounting to Rs.1,000/-.

3. In view of the above facts, this Court is inclined to grant one final opportunity to the petitioner to cross examine PW1 on payment of a costs of Rs.1,000/- to the respondent. The Trial Court is directed to fix



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the date for cross examination of PW1. The petitioner shall cross examine PW1 on the date fixed by the Trial Court, failing which the Trial Court is directed to proceed with the trial in accordance with law.

4. Accordingly, the Criminal Original Petition stands allowed.

Consequently, connected miscellaneous petition is closed.

15.04.2025

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

To

1. The Judicial Magistrate, Chengam
2. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.

shk



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