



Crl.O.P.No.10992 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

CORAM:

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

Crl.O.P.No.10992 of 2025
and Crl.M.P.No.7284 of 2025

M.Jothi

... Petitioner

Vs.

M/s. Sree Gokulam Chits and
Finance Co. (P) Ltd.,
Rep. by its K.Satheesh Kumar-Manager,
Sree Gokulam Towers,
No.66/356, Arcot Road,
Kodampakkam,
Chennai – 600 024.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 12th March, 2025 by the learned Metropolitan Magistrate, FTC-IV, George Town at Chennai in Crl.M.P.No.1746 of 2025 in S.T.C.No.3799 of 2022 and the petitioner may be given an opportunity to examine the P.W.1 for further cross examination.

For Petitioner : Mr.M.Boopathy

For Respondent : Mr.L.Rajasekar



Crl.O.P.No.10992 of 2025

ORDER

WEB COPY

This Criminal Original Petition has been filed challenging the order dated 12.03.2025 passed by the learned Metropolitan Magistrate, FTC-IV, George Town, Chennai, in Crl.M.P.No.1746 of 2025 in S.T.C.No.3799 of 2022, thereby dismissing the petition filed by the petitioner under Section 348 of BNSS to recall P.W.1 evidence.

2. The petitioner is an accused in S.T.C.No.3799 of 2022, filed by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act. During the trial, P.W.1 was examined on 28.08.2024 and cross examined by the petitioner on the same day. However, once again the petitioner filed an application to recall P.W.1 for cross examination and the same was dismissed by the Court below. Hence, the petitioner filed the present petition.

3. The learned counsel appearing for the petitioner submitted that at the time of cross-examination of P.W.1, the petitioner came to understand some of the documents were not marked. Therefore, in order to mark those documents, the petitioner filed the application to recall P.W.1.

Page 2 of 5



Crl.O.P.No.10992 of 2025

WEB COPY 4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. If the petitioner found any documents, he can very well mark those documents through defence side witnesses. Therefore, the trial Court rightly dismissed the application and this Court finds no infirmity or illegality in the order passed by the Court below.

6. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

29.04.2025

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

rts

To
1.The Metropolitan Magistrate,
FTC-IV, George Town,
Chennai.



WEB COPY



Crl.O.P.No.10992 of 2025



WEB COPY



Crl.O.P.No.10992 of 2025

G.K.ILANTHIRAIYAN, J.

rts

Crl.O.P.No.10992 of 2025
and Crl.M.P.No.7284 of 2025

29.04.2025