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Crl.O.P.No.10970 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10970 of 2025

and

Crl.M.P.No.7262 of 2025

Rajesh Jaintilal Shah

... petitioner

Vs

M/s.S.S.D Oil Mill Company Limited,

Having registered office at:

No.52, Old No.36, 48th Street,

Ashok Nagar,

Chennai – 600 083

Through it's authorised representative:

Manager, Stores B.Suresh

... Respondent

Criminal Original Petition is filed under Section 528 of BNSS., to set aside the order of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Poonamallee, dated 19.03.2025 made in Crl.M.P.No.110 of 2025 in STC No.329 of 2016.

For petitioner : Mr.Samir S.Shah
for Mr.T.Vardhman Jain



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For Respondent : Mr.A.Athimoolam

ORDER

This petition has been filed challenging the order dated 19.03.2025 in Crl.M.P. No. 110 of 2025 in STC No. 329 of 2016, passed by the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Poonamallee, thereby dismissing the application filed under Section 311 of Cr.P.C. to recall the defence witness for further examination.

2. Heard the learned counsel for both sides 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 in STC No. 329 of 2016. After the examination of the complainant's side evidence and even after questioning, the respondent was examined as his defence witness. Thereafter, the petitioner failed to appear before this Court. Therefore, the Trial Court issued a non-bailable warrant against the petitioner, which remained pending for a long time. After



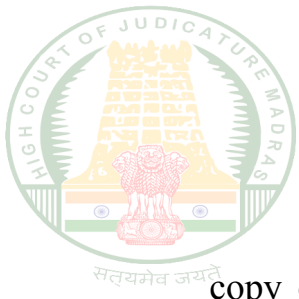
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recalling the non-bailable warrant, the petitioner once again filed an application to recall the defence witness for further cross-examination on the ground that certain documents were left out to be marked through the defence witness. The petitioner has now only obtained certified copies of those documents. Even at the time of his examination, if at all the petitioner intended to mark those documents, he would have obtained certified copies at that time itself.

4. On a perusal of the records, it is revealed that only to drag on the proceedings, the petitioner keeps on filing applications. Hence, the Trial Court rightly dismissed the petition. That apart, the petitioner has filed the petition when the matter is posted for arguments and also for judgement. Therefore, this Court finds no infirmity or illegality in the order passed by the Trial Court.

5. Accordingly, this Criminal Original Petition is dismissed. However, the Trial Court is directed to dispose of the proceedings in STC No.329 of 2016 within a period of eight weeks from the date of receipt of a



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copy of this order. Consequently, the connected Miscellaneous Petition is closed.

23.04.2025

Index: Yes/No
Neutral Citation/Yes/No
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To

1. The Judicial Magistrate, Fast Track Court
(Magisterial Level), Poonamallee.
2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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