



Crl.O.P.No.12227 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2025

CORAM:

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

Crl.O.P.No.12227 of 2025
and Crl.M.P.No.8164 of 2025

S.K.Sukumar

... Petitioner

Vs

M/s Rajarajeswara Constructions,
Rep. by its Partner and Power of Attorney
M.N.Sridhar

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023/Section 482 of Cr.P.C, to set aside the order dated 08.04.2025 made in Crl.M.P.No.4998 of 2025 in C.C.No.4355 of 2019 on the file of the Fast Track Court-1 Metropolitan Magistrate at Egmore, Chennai.

For Petitioner : Mr.S.Shankar

ORDER

This Criminal Original Petition has been filed challenging order passed in Crl.M.P.No.4998 of 2025 in C.C.No.4355 of 2019 on the file of the Fast Track Court-1 Metropolitan Magistrate at Egmore, Chennai, thereby dismissed the application filed by the petitioner to recall PW1 for cross examination.



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2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. The petitioner is an accused in the complaint lodged by the respondent for the offences punishable under Section 138 of Negotiable Instruments Act in C.C.No.4355 of 2019, on the file of the Fast Track Court-I, Metropolitan Magistrate at Egmore, Chennai. The respondent was examined as PW1. Thereafter, the respondent was absent before the Trial Court and as such, it was dismissed for default. However, on filing of appeal before this Court, the complaint was restored and the Trial Court was directed to proceed with the trial. At that juncture, the petitioner filed an application to recall PW1 for cross examination and the same was dismissed.

4. Admittedly, the petitioner did not cross examine PW1 so far. In order to give one more opportunity to the petitioner to put forth his defence, this Court is inclined to set aside the impugned order dated 08.04.2025 made in Crl.M.P.No.4998 of 2025 in C.C.No.4355 of 2019 on the file of the Fast Track Court-1 Metropolitan Magistrate at Egmore, Chennai.



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5. Accordingly, the impugned order dated 08.04.2025 made in Crl.M.P.No.4998 of 2025 in C.C.No.4355 of 2019 on the file of the Fast Track Court-1 Metropolitan Magistrate at Egmore, Chennai, is hereby set aside on condition that the petitioner shall pay a sum of Rs.2000/- (Rupees Two Thousand only) to the respondent as cost. The Trial Court is directed to fix a date for cross examination of PW1. If the petitioner fails to cross examine PW1 on the date fixed by the Trial Court, the Trial Court is directed to proceed with the Trial in accordance with law.

6. In the result, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous petition is closed.

23.04.2025

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
mn

Note: Issue order copy on 23.04.2025



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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Fast Track Court-1 Metropolitan Magistrate
at Egmore, Chennai.
2. The Public Prosecutor,
High Court, Madras.

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23.04.2025