



Crl.O.P.No.19289 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.19289 of 2025 and
Crl.M.P.No.13212 of 2025

G.K.Mohan

... Petitioner

Vs.

R.E.Ezhilvannan

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the order dated 07.03.2025 passed in C.M.P.No.411 of 2025 in 560 of 2021 on the file of the Court of District Munsif cum Judicial Magistrate, Ranipet.

For Petitioners

: Mr.T.Saravanan

ORDER

The Criminal Original Petition has been filed by the petitioner to set aside the order dated 07.03.2025 passed in C.M.P.No.411 of 2025 in S.T.C.No.560 of 2021 on the file of the District Munsif cum Judicial Magistrate, Ranipet.

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



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3. It is seen that the petitioner is an accused in S.T.C.No.560 of 2021 on the District Munsif cum Judicial Magistrate, Ranipet, filed by the respondent under Sections 138 and 142 of Negotiable Instruments Act read with Section 200 Cr.P.C. Pending case, the petitioner has filed a petition before the Magistrate in C.M.P.No.411 of 2025 under Section 311 Cr.P.C. to recall the complainant for further examination. The said petition was dismissed by order dated 07.03.2025. Hence, challenging the same, the present petition is filed.

4. A perusal of the impugned order shows that the respondent was already cross examined extensively and while dismissing the petition filed by the petitioner under Section 311 Cr.P.C., the Magistrate has given the reasons for dismissing the said petition that the respondent/P.W.1 was examined in chief and opportunity was also given to the petitioner for cross examination and he also cross examined P.W.1 extensively on 08.10.2024.

5. Though sufficient opportunity was given and the petitioner also exhausted the opportunity, he had filed the petition under Section 311 Cr.P.C. to once again cross examine the respondent/complainant, which shows that the petitioner in order to protract the case, had filed the



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petition and this Court finds no valid reason to set aside the order passed
by the Court below.

6. Therefore, this Criminal Original Petition is dismissed at the admission stage itself. Consequently, the connected Miscellaneous Petition is closed.

14.07.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

The District Munsif cum Judicial Magistrate,
Ranipet.



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P.VELMURUGAN, J

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