



Crl.O.P.No.22943 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.22943 of 2025

and

Crl.M.P.No.15677 of 2025

C.R.Muthusamy

... Petitioner

Vs.

K.Ragavendran

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita to set aside the order dated 27.05.2025 in M.P.No.7 of 2025 in C.C.No.734 of 2017 on the file of the Judicial Magistrate, Fast Track Court No.1 (1st Class Judicial Magistrate), Coimbatore.

For Petitioner : Mr.R.Rajarajan

ORDER

Challenging the order of the learned Judicial Magistrate, Fast Track Court No.1 (1st Class Judicial Magistrate), Coimbatore, dated 27.05.2025, made in M.P.No.7 of 2025 in C.C.No.734 of 2017, dismissing the



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application filed by the petitioner under Section 311 Cr.P.C., the present Criminal Original Petition has been filed.

2.The petitioner is the accused in C.C.No.734 of 2017 for the offence under Section 138 of the Negotiable Instruments Act. The present application has been filed by the accused under Section 311 Cr.P.C. to recall D.W.1 on the ground that they have found out a sale receipt dated 07.09.2006, which is relevant and the same has to be marked before the Court. However, the said application has been dismissed by the trial Court, challenging which, the present Criminal Original Petition has been filed.

3.It is relevant to note that the present application has been taken out at the stage of arguments. The trial Court has held that the case is pending for more than 16 years and the accused (D.W.1) subjected himself to cross-examination as early as on 24.03.2017 and thereafter, the accused was absconding all these years and there is no whisper, whatsoever, about the sale receipt which is now sought to be marked as evidence, even during the questioning under Section 313 Cr.P.C. Therefore, the trial Court has rejected the contention of the accused that the sale receipt was found when



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the accused white-washed his house during the Christmas Festival.

Therefore, in the interests of justice and to expedite the disposal of the main case, the trial Court has dismissed the application. In view of the factual findings rendered by the trial Court, this Court is not inclined to interfere with the impugned order.

4. Therefore, I do not find any merit in this petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

19.08.2025

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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

To

The Judicial Magistrate,
Fast Track Court No.1
(1st Class Judicial Magistrate),
Coimbatore.



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N. SATHISH KUMAR, J.

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