



Crl.R.C.No.1277 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2025

CORAM:

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

Crl.R.C.No.1277 of 2025

M.Antony

..... Petitioner

Vs

I.Manigandan

..... Respondent

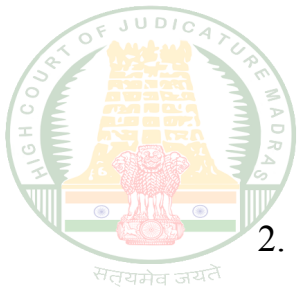
PRAYER:

Criminal Revision Case is filed under Sections 438 & 442 of BNSS, praying to allow the above criminal revision petition and set aside the dismissal order passed by the learned 1st Additional (TADA) City Civil & Sessions Court at Chennai in Crl.MP.No.1629 of 2025 in SC.No.439 of 2024 dated 26.03.2025 petition under Section 391 of Cr.P.C. now under 432 of BNSS to cross examine the respondent/respondent/complainant.

For Petitioner : Mr.K.Murali

ORDER

This criminal revision case has been preferred against the order passed by the learned 1st Additional (TADA) City Civil & Sessions Court at Chennai in Crl.MP.No.1629 of 2025 in SC.No.439 of 2024 dated 26.03.2025, thereby dismissing the petition filed under Section 391 of Cr.P.C. to cross examine the respondent in the appeal.



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2. The petitioner is the accused in the complaint lodged by the respondent for the offence punishable under Section 138 of NI Act. After full-fledged trial, the petitioner was convicted and sentenced to undergo two months simple imprisonment for the offence punishable under Section 138 of NI Act. He was also ordered to pay compensation. Aggrieved by the same, the petitioner preferred appeal. While pending appeal, the petitioner filed petition under Section 391 of Cr.P.C., to cross examine PW1, which was dismissed. Therefore, this criminal revision case has been filed.

3. On perusal of records, it is revealed that before the trial court, though the respondent was examined as PW1 in chief, the petitioner failed to cross examine him for so many hearings. The petitioner filed recall petition, which was allowed and thereafter, the petitioner was given enough opportunities to cross examine PW1 on several hearings. However, the petitioner failed to cross examine PW1 and also failed to rebut the presumption. Hence, the trial court convicted the petitioner. During the appeal stage, the petitioner filed another petition under Section 391 of Cr.P.C to cross examine PW1. When the petitioner failed to utilise the given opportunities to cross examine PW1 before the trial court, it cannot be permitted to cross examine PW1 and it is nothing but only to drag the proceedings. Hence, the appellate court rightly dismissed the



Crl.R.C.No.1277 of 2025

petition and this Court finds no infirmity or illegality in the impugned order.

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4. In view of the above discussion, this criminal revision case is dismissed.

19.08.2025

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

G.K.ILANTHIRAIYAN, J.

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Crl.R.C.No.1277 of 2025

To

The learned 1st Additional (TADA) City Civil & Sessions Court at Chennai

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