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CrI.O.P.No. 20745 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No. 20745 of 2025

and

CrI.M.P.No.14341 of 2025

T.Arivazhagan

... Petitioner

Vs.

N.K.Kavitha

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to set aside the order dated 03.06.2025 made in C.M.P.No.3 of 2025 in S.T.C.No.28 of 2024 on the file of the District Munsif-cum-Judicial Magistrate Court, Modakurichi by allowing the Criminal Original Petition and re-call P.W.1 and permit the petitioner to cross examine P.W.1.

For Petitioner : Mr.C.S.Saravanan

ORDER

The Criminal Original Petition is filed to set aside the order dated 03.06.2025 made in CrI.M.P.No.3 of 2025 in S.T.C.No.28 of 2024 on the file of the District Munsif-cum-Judicial Magistrate Court, Modakurichi,

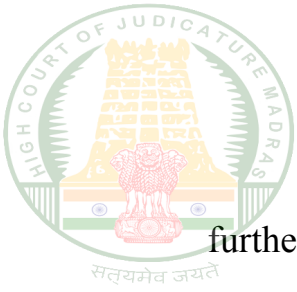


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by allowing the Criminal Original Petition and re-call P.W.1 and permit the petitioner to cross examine P.W.1.

2. It is seen that the petitioner/accused is facing trial in S.T.C.No.28 of 2024 for the offence under Section 138 of Negotiable Instruments Act before the District Munsif-cum-Judicial Magistrate, Modakurichi, in the trial, the respondent/complainant himself was examined as P.W.1 and cross examination got over on 03.03.2023. After examination of witnesses and hearing the arguments of both sides, when the case was reserved for judgment, the petitioner/accused filed petition in CrI.M.P.No.3 of 2025 to re-call P.W.1 for cross examination. The trial Court considered the petition and dismissed it assigning reason on 03.06.2025. Challenging the order of the Court below, the present petition is filed by the petitioner/accused invoking Section 528 BNSS, 2023.

3. Learned counsel for the petitioner submitted that some important questions were left out during the cross-examination of P.W.1 and that the petitioner filed re-call petition, but the trial Court without assigning any reason simply dismissed the petition. Learned counsel



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further submitted that it is necessary to cross examine P.W.1 on some important question for the purpose of establishing his defence.

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

5. This Court, on perusing the impugned order finds that sufficient opportunity was given to the petitioner/accused to cross examine P.W.1 and he has also availed that opportunity and thoroughly cross examined P.W.1. After examination of witnesses and hearing the arguments of both sides, when the case was reserved for judgment, the petitioner/accused filed the petition invoking Section 311 Cr.P.C., only in order to drag on the proceedings and the trial Court has rightly dismissed the petition. This Court finds no valid reason to interfere with the order of trial Court. Hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

23.07.2025

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

The District Munsif-cum-Judicial Magistrate,
Modakurichi.



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P.VELMURUGAN, J

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