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CRL OP No. 21018 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 21018 of 2025

S.Mohan Kumar

S/o.Mr.Seshmal, No.18, Hunters Road,
Choolai, Chennai-600 114.

Petitioner(s)

Vs

M/s.Sri Balaji Granites,
Proprietor, E.Arunvelkumar, No.69,
2nd Main Road, VGP Layout, 3rd Part,
Palavakkam, Chennai-600 041.

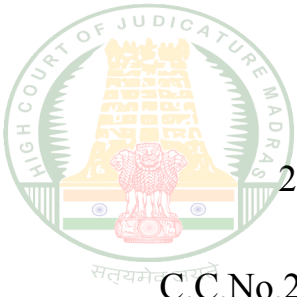
Respondent(s)

For Petitioner(s): A Ashok Kumar

For Respondent(s): Mr.Y. Kajanavas

ORDER

This Criminal Original Petition is filed to set aside the order dated 02.07.2025 in Crl.M.P.No.8548 of 2025 in C.C.No.2903 of 2020 passed by the learned XXVI Metropolitan Magistrate, Egmore.



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2. The petitioner filed a complaint as against the respondent in C.C.No.2903 of 2020 before the XXVI Metropolitan Magistrate, Egmore, Chennai. Pending trial in C.C.No.2903 of 2020, the petitioner filed petition u/s.311 of Cr.P.C., in CrI.M.P.No.8548 of 2025 seeking to reopen and recall PW1-complainant's side additional evidence and for marking additional documents. The trial court dismissed the recall petition on the ground that the petitioner in his earlier petition filed u/s.311 of Cr.P.C., before the trial court sought to mark some documents and the same was allowed by the trial court and that he could very well mark the documents now sought to be marked at that time, but without doing so, he has chosen to file reopen and recall petitions one after the other, which leads to wasting of court's time. Aggrieved over the same, the petitioner has filed the present criminal original petition .

3. Heard both sides and perused the materials available on record.

4. It is seen that the documents sought to be marked by the petitioner are (i) order passed in CrI.M.P.No.24283 of 2017 and (ii) FIR copy in Cr.No.166 of 2019. The trial court dismissed the petition on the ground that the petitioner has

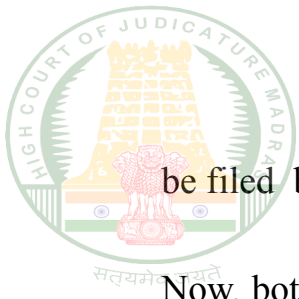


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already marked the documents during chief examination twice and he has not chosen to mark the present documents at that time and thereafter, after closing the evidence on the side of PW1, he once again sought permission of this court to mark the present documents. It is seen that the documents sought to be marked by the petitioner are only FIR copy in Cr.No.166 of 2019 and order passed by this court in Crl.M.P.No.24283 of 2017.

5. Be that as it may. This court is of the view that the trial court is right in condemning the parties. The petitioner cannot take advantage in filing such application at the fag end of the trial one after the other. Once trial is commenced, it is for the parties to bring the evidence on the particular date as fixed by the trial court, but without following the time line fixed by the Court, when the matter was posted for arguments, the application is filed.

6. Be that as it may. The trial court has already condemned the parties and the parties cannot have take advantage in filing the documents at the fag end of the trial. Once trial is commenced, it is for the parties to bring the evidence, in particular on the date as fixed by the trial court. Now the documents sought to



be filed by the complainant is only court order and complaint given to police.

Now, both sides want to reopen their case and recall evidence. This Court is of the view that one date could be fixed by the trial court for both sides to file their necessary documents for cross examination. Therefore, the order of the trial court is set aside and the trial court is directed to recall the witness and fix a date for examination or for production of the documents for both sides and cross examination of both sides. It is made clear that the entire exercise of filing document and cross examination of other side shall be completed on the same day.

7. With the above direction this criminal original petition is disposed of.

msr

10-09-2025

Index: Yes/No

Internet: Yes

To

The XXVI Metropolitan Magistrate, Egmore.



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N.SATHISH KUMAR J.

msr

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