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Crl.O.P.No.21050 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.21050 of 2025

and

Crl.M.P.No.14489 of 2025

P.Elumalai

... Petitioner

Vs.

M.Sampath

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to set aside the order dated 15.07.2025 made in Crl.M.P.No.9995 of 2025 in S.T.C.No.7554 of 2024 on the file of the learned Metropolitan Magistrate Fast Track Court No.II, Egmore at Allikulam, Chennai – 600 003, and allow the same.

For Petitioner : Mr.B.Manimaran

ORDER

The Criminal Original Petition is filed to set aside the order dated 15.07.2025 made in Crl.M.P.No.9995 of 2025 in S.T.C.No.7554 of 2024 on the file of the Metropolitan Magistrate Fast Track Court No.II, Egmore at Allikulam, Chennai – 600 003.



CrI.O.P.No.21050 of 2025

WEB COPY

2. Learned counsel for the petitioner submitted that during the cross examination, the respondent herein/accused himself admitted the transactions and payments made to one Mr.Dakshinamurthy and also admitted that he knows one Valarmathy, whose original title deeds were handed over as a security for the loan borrowed by the respondent/accused, and therefore, the petitioner/complainant filed a petition invoking Section 311 Cr.P.C., / 348 BNSS to recall and reopen the complainant's side evidence and issue summons to examine the witnesses, viz., Valarmathi and Dakshinamurthy. However, the trial Court, without assigning any reason, had simply dismissed the petition. Learned counsel further submitted that it is necessary to cross examine those witnesses on some important question for the purpose of establishing his defence.

3. It is settled proposition of law that re-calling a witness in legal proceedings, is not an automatic right of the parties involved and to fill up the lacuna, no re-call of witness is permitted. In the instant case, already, the trial Court had afforded sufficient opportunities to both the parties to conduct the trial. After examination of both side witnesses and



Crl.O.P.No.21050 of 2025

after hearing the arguments of both sides, when the case was reserved for

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judgment, the petitioner/complainant 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 does not find any valid reason to interfere with the impugned order of trial Court. Hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

29.07.2025

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

The Metropolitan Magistrate,
Fast Track Court No.II,
Egmore at Allikulam, Chennai – 600 003.



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Crl.O.P.No.21050 of 2025

P.VELMURUGAN, J

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Crl.O.P.No.21050 of 2025

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