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CRL OP No. 22553 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 22553 of 2025 & CrI.M.P.No.15437 of 2025

1. Sridar. U

S/o.Kameshwara Rao, P-2, No.24, Sri
Mahalakshmi enclave, Choolaimedu,
Chennai - 600094.

Petitioner(s)

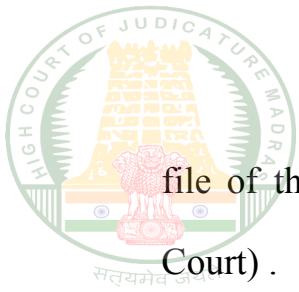
Vs

1. T.P.Kalpana

W/o. T.S.R.prabakar, No.60, Pandiyan
Nagar Main Road, ECR Road,
Vettuvankenni, Water Tank, Chennai -
600041.

Respondent(s)

PRAYER Criminal Original Petition filed under section 528 of BNSS to call for the records pertaining to the proceedings in CC.No.9231/2018 on the file of the Hon'ble FTC III Magistrate Court at Saidapet and set aside the impugned Order dated 18/07/2025 in Criminal MP No.2/2025 in CC.No.9231/2018, on the



file of the Hon'ble FTC-III Magistrate Court at Saidapet Chennai (27th MM Court) .

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For Petitioner(s): M/s.R.Gunasekarun

ORDER

Challenging the Order of the trial Court dismissing the petition filed by the petitioner to recall P.W.1 for the purpose of cross examination of P.W.1, the present Criminal Original Petition has been filed.

2. The petitioner is an accused in a case filed by the respondent for the offence under section 138 of the Negotiable Instruments Act. The petitioner has filed a petition to recall P.W.1 for the purpose of cross examination. The said petition has been dismissed by the trial Court on the ground that despite an opportunity given to the petitioner in an earlier occasion to cross examine P.W.1 and P.W.1 was also present, as he has not cross examined the witness.



3. Considering the facts and circumstances of the case and in order to give an opportunity to the petitioner to cross examine P.W.1, I am inclined to allow this petition on payment of cost.

4. Accordingly, this Criminal Original Petition is allowed on payment of cost of Rs.2000/- by the petitioner to P.W.1. On such payment being made, let the trial Court fix a date for cross examination of P.W.1 and the petitioner shall complete the cross examination of the witness on the date fixed by the trial Court. If the cross examination has not been done on that date, his right for cross examination of the witness shall be forfeited. Consequently, connected miscellaneous petition is closed.

13-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

The XXVII Metropolitan Magistrate,
Saidapet, Chennai.



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N.SATHISH KUMAR J.

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