



WEB COPY

CRL OP No. 21606 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-08-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL OP No. 21606 of 2025

AND

CRL OP NO. 21614 OF 2025,

CRL MP NO. 14793 OF 2025

&

CRL MP NO. 14791 OF 2025

1. Nellai Catered

No.65, Rathinasamipuram, Omalur

Main Road, Salem - 636 009.

2.Nithya

Wife of Venkatesh, 217,

Kongu Manager, Bakers Colony,

Phase-2, Coimbatore - 641 035.

Petitioners in both OPs

Vs

1. Sri Balajiraj

Son of Rajarathinam,

D.No.125, Town Railway Station Road,

Salem - 636 001.

Respondent in both OPs



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WEB PRAYER

This Criminal Original Petition is filed under Section 528 of BNSS, to set aside the order passed in C.M.P.No.1821 of 2025 in S.T.C.No.4454 of 2020 dated 09.06.2025, pending on the file of the Judicial Magistrate No.III at Salem.

CRL OP No. 21614 of 2025

PRAYER

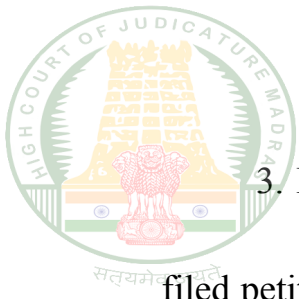
This Criminal Original Petition is filed under Section 528 of BNSS, To set aside the order passed in C.M.P.No.1820 of 2025 in STC.No.4454 of 2020 dated 09.06.2025 pending on the file of the Judicial Magistrate No.III at Salem.

For Petitioner(s): Mr.R.Jayaprakash

COMMON ORDER

These Criminal Original Petitions have been filed to set aside the order passed in C.M.P.Nos.1820 & 1821 of 2025 in S.T.C.No.4454 of 2020, dated 09.06.2025, pending on the file of the Judicial Magistrate No.III at Salem.

2. Heard the learned counsel for the petitioners and perused the materials available on record.



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3. Learned counsel for the petitioners submitted that the petitioners have filed petition in CMP No.1821 of 2025 under Section 311 Cr.P.C., for recalling P.W.1 for cross examination and also filed a petition in CMP No.1820 of 2025 under Section 254(2) Cr.P.C., for examination of the Bank Manager, on the file of the Judicial Magistrate No.III, Salem. The learned Magistrate, vide order dated 09.06.2025, dismissed both the petitions. Aggrieved by the same, the petitioners have filed these criminal original petitions. He further submitted that, since the earlier counsel had not properly conducted the case, and the new counsel advised the petitioner that the witness has to be recalled for further cross-examination.

4. Though sufficient opportunities have been given to the petitioners and P.W.1 was also cross-examined extensively, change of the counsel is not the ground for recalling the witness. Considering the submissions made by the learned counsel on either side and also considering the facts and circumstances of the case, this Court does not find any reason to interfere with the impugned order passed by the learned Magistrate. The learned Judicial Magistrate No.III, Salem is directed to proceed with the trial in STC.No.4454 of 2020 in



accordance with law, as expeditiously as possible.

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5. With the abovesaid direction, these Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

01-08-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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The Judicial Magistrate No.III at Salem



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P.VELMURUGAN J.

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2025
AND CRL OP NO.
21614 OF 2025,CRL MP
NO. 14793 OF 2025,CRL
MP NO. 14791 OF 2025**

01-08-2025