



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2025

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CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 22408 of 2025

1. Ramesh Babu

S/o. Mr. Narayanan, D-Block-34,
60/49, Arihant amara, Poonamallee
High Road, Opp. Saveetha Dental
College, Kattupakkam, Chennai-56

Petitioner(s)

Vs

1. T.S.Bhaskaran

S/o. M.T.Subramanian, No.5/1, Cheran
Street, Vigneshwara Nagar, Porur,
Chennai 600 116

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to call for the records and set aside the impugned order in Crl.M.P.No.5139/2024 in CCNo.74/2020 on the file of the Learned Judicial Magistrate, Srierumbudur dated 10.06.2025 and pass such other further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case thus render Justice.



For Petitioner(s): P.Vijendran

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ORDER

Challenging the Order of the trial Court dismissal of the petition filed by the petitioner under section 348 BNSS to cross examined P.W.1, the accused is before this Court.

2. The accused is facing trial in C.C.No.74 of 2020 for the offence under section 138 of Negotiable Instruments Act. According to the learned counsel appearing for the petitioner though P.W.1 has already been cross examined, some questions with regard to the documents have not been cross examined since the earlier counsel suffered heart attack he could not pursue the matter. Hence, the present petition has been taken out to recall P.W.1 for the purpose of cross examination with regard to vital documents.

3. No doubt repeated re-examination and recall of witness cannot be permitted as a matter of right. But considering the nature of the transaction and



the fact that the civil suit is pending, the Order of the trial Court has to be set aside.

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4. Accordingly, this Criminal Original Petition is allowed and the Order of the trial Court in Crl.M.P.No.5139 of 2024 is set aside. The trial Court shall fix a date for further cross examination of P.W.1 and petitioner shall complete the cross examination on the same date fixed by the trial Court. It is made clear that if the petitioner does not cross examine the witness on the same day, no further time shall be granted and his right to cross examine the witness will be forfeited.

12-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

The Judicial Magistrate,
Sriperumbudur.



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N.SATHISH KUMAR J.

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