



Crl.R.C.No.1556 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.1556 of 2025 and
Crl.MP.No.16146 of 2025

Sathyaraj

..... Petitioner

Vs

Soundara Natarajan

..... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023, praying to set aside the common order passed in MP.Nos.17 of 2025 and 18 of 2025 in CC.No.523 of 2018 on the file of the Judicial Magistrate, Fast Track Court at Magistrate Level-II, Coimbatore and to allow this criminal revision petition filed to re-open the PW's and recall PW1.

For Petitioner : Mr.S.Saravana Kumar

ORDER

This Criminal Revision Case has been filed praying to set aside the common order dated 16.05.2025 passed in MP.Nos.17 of 2025 and 18 of 2025 in CC.No.523 of 2018 on the file of the Judicial Magistrate, Fast Track Court at Magistrate Level-II, Coimbatore, thereby dismissed the petitions to reopen



Crl.R.C.No.1556 of 2025

and recall PW1 for further cross examination.

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2. Heard, the learned counsel for the petitioner and perused, all the materials placed before this Court.

3. On perusal of records, it is revealed that the petitioner is the accused in the complaint lodged for the offences punishable under Section 138 of NI Act, which was taken cognizance by the trial court. When the matter was posted for arguments, the petitioner filed petition to recall PW1 for cross examination since the petitioner failed to cross examine PW1 at the time of chief examination and it was allowed on 12.02.2024. However, the petitioner failed to cross examine PW1. Once again, the complainant's evidence was closed. Thereafter, he filed another application to recall PW1. In fact, it was also allowed and even then, the petitioner did not cross examine PW1. Once again, it was closed. Further, the application filed by the petitioner to recall PW1 for cross examination in CMP.No.7771 of 2024 was allowed on 11.09.2024. Thereafter, on 09.12.2024, the petitioner duly cross examined PW1 and the complainant's evidence was closed on 07.01.2025. Thereafter, when the matter was posted for arguments, once again the petitioner came forward with the petition to recall PW1 to mark other documents.



Crl.R.C.No.1556 of 2025

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4. On perusal of the complaint which is now intended to be marked through PW1 is nothing but the complaint lodged by another third party against the respondent for claiming exorbitant interest under the The Tamil Nadu Prohibition of Charging Exorbitant Interest Act. It has nothing to do with the present case. Though the petitioner was given several opportunity to cross examine PW1, he failed to mark those documents. That apart, the said document has nothing to do with the present case. Hence, the trial court rightly passed the impugned order. As such, this criminal revision case is liable to be dismissed.

5. Accordingly, this criminal revision case is dismissed.
Consequently, connected miscellaneous petition is closed.

25.08.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
lok

G.K.ILANTHIRAIYAN, J.

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Crl.R.C.No.1556 of 2025

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To
The Judicial Magistrate, Fast Track Court at Magistrate Level-II, Coimbatore

Crl.R.C.No.1556 of 2025

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