



WEB COPY

CRL OP No. 22476 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. 22476 of 2025

1. Senthilkumar

S/o.Kanagasabu, No.163, Indira Nagar,
Elanangur, Nanjalur Post,
Chidambaram Taluk, Cuddalore District

Petitioner(s)

Vs

1. Annamalai

S/o.A.L.Chidambaram, NO.44/19A-6,
Rasi Flats, East Car Street,
Chidambaram,cuddalore District

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to set aside the impugner order passed in C.M.P.No.2502 of 2022 in STC.No.450 of 2022 in the court of Judicial Magistrate No.II, Chidambaram

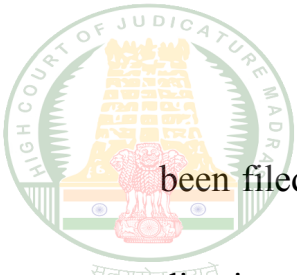
For Petitioner(s): A.Venkatesan

**ORDER**

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Challenge has been made to the dismissal of the petition filed by the petitioner to recall P.W.1, namely the complainant in the complaint filed under section 138 of the Negotiable Instruments Act, in the present Criminal Original Petition.

2. The petitioner is the accused in the complaint filed under section 138 of the Negotiable Instruments Act in STC.No.450 of 2022. In the said case, P.W.1 was originally cross examined on 30.05.2023 P.W.1 evidence was closed in the year 2023. Thereafter, on a petition filed by the petitioner under section 311 Cr.P.C. P.W.1 was recalled and cross examined on 28.03.2024. Thereafter, on the side of the petitioner, D.W.1 has been examined and when the matter is posted for arguments. again a petition under section 311 Cr.P.C. has been filed to reopen evidence and recall P.W.1 and that petition has also been allowed by the trial Court. Once again, P.W.1 was cross examined on 08.04.2024 and the matter has been adjourned for arguments. Thereafter, the present petition has



been filed to recall P.W.1 for the purpose of cross examination, which has been dismissed by the trial Court. Challenging the same the present Criminal Original Petition has been filed.

3. A perusal of the records clearly indicate that the present petition has been filed only prolong the issue. Hence, the trial Court has rightly dismissed the petition. In fact, the trial Court has twice allowed the petition to recall P.W.1 and P.W.1 was cross examined in all aspects. In such view of the matter, I do not find any merits in this Petition.

4. Accordingly, this Criminal Original Petition is dismissed.

13-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To,

The Judicial Magistrate No.II,

Chidambaram.



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N.SATHISH KUMAR J.

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