



Crl.O.P.No.22397 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.22397 of 2025
and Crl.M.P.No.15298 of 2025

C.Alaguvel

... Petitioner

Vs.

D.Ramesh Babu

... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to call for the records of the order dated 02.08.2025 in Crl.M.P.No.8720 of 2025 in C.C.No.1326 of 2020, on the file of FTC V, Metropolitan Magistrate, Saidapet, Chennai for the purpose of satisfying itself as to the correctness, legality and propriety and set aside the same.

For Petitioner : Mr.Murugeshkasivel

For Respondent : Mr.N.Elayaraja

ORDER

Challenge has been made to the order of the trial Court dated 02.08.2025, dismissing the application filed by the petitioner seeking to recall and re-examine the defence side witness.

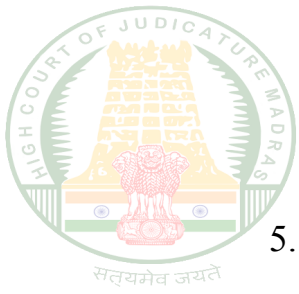


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2. Heard the learned counsels appearing for the petitioner and the the learned counsel appearing for the respondent.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner is arrayed as an accused in C.C.No.1326 of 2020, which was taken on file based on the complaint given by the respondent under Section 138 of Negotiable Instruments Act. The petitioner filed an application in Crl.M.P.No.8720 of 2025 seeking to adduce evidence on the defence side. However, the trial Court, under the impression that PW1 was sought to be recalled, dismissed the application vide order dated 02.08.2025. He further submitted that the cheque amount has already been paid and discharged and therefore, it is necessary for the petitioner to give evidence on his side. Therefore, he prayed that one more opportunity may be granted to the petitioner to examine the defence side witness.

4. Considering the above facts and circumstances and since the accused himself wants to adduce certain facts, this Court is inclined to grant one more opportunity to the petitioner to recall and re-examine the defence witness.



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5. Accordingly, this Criminal Original Petition is allowed. The order passed by the learned Metropolitan Magistrate, FTC V, Saidapet, Chennai dated 02.08.2025, is set aside. The trial Court shall fix a date for the examination of the defence witness. It is made clear that the petitioner shall complete the defence evidence on the very same day and the trial Court shall ensure the same. In the event of default on the part of the petitioner, the right of the petitioner to examine defence witness shall be forfeited.

6. Consequently, connected miscellaneous petition is closed.

02.09.2025

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Neutral Citation: Yes/No

To

The Metropolitan Magistrate, FTC V, Saidapet, Chennai



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N. SATHISH KUMAR, J.

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