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*Crl.RC.No.1349 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **08.08.2025**

CORAM:

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

Crl.RC.No.1349 of 2025  
and  
Crl.M.P.No.15241 of 2025

Hemalatha

... Petitioner

Versus

S.Sanjay Krishna

... Respondent

**PRAYER:** Criminal Revision filed under Section 438(1) and 442 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023, to call for the records and set aside the order dated 06.02.2025 made in Crl.M.P.No.230 of 2025 on the file of the learned Metropolitan Magistrate, Fast Track Court, Alandur.

For Petitioner : M/s.Yash Rathi R

For Respondent : Mr. D. Parthasarathy



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### **ORDER**

This revision has been preferred against the order dated 06.02.2025 passed in CrI.M.P.No.230 of 2025 in C.C. No.139 of 2023 on the file of the Judicial Fast Track Court (Magisterial Level) Alandur, whereby the petition filed under Section 311 of Cr.P.C., seeking permission to recall the defence side evidence, was dismissed.

2. The petitioner is the accused in a case arising from the complaint lodged by the respondent for the offence under Section 138 of the Negotiable instruments Act, 1881. During the trial, P.W.1 was examined as a defense witness in Chief. However, due to ill health, the petitioner herein could not appear before the trial court for cross-examination, and as such the defence side witness was closed. Thereafter, the petitioner filed another application under Section 311 of Cr.P.C., to recall the defence evidence. Though it was allowed, once again, the petitioner failed to appear before the trial Court for the cross-examination, and the defence witness was once more closed. Again, the petitioner filed an application in CrI.M.P.No.230 of 2025 under Section



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311 of Cr.P.C., to recall of P.W.1, which was dismissed on 06.02.2025.

Aggrieved by the same, the petitioner has preferred the present revision.

3. Learned counsel for the petitioner submitted that though the petitioner's application for recalling the defence witness was dismissed, the petitioner had continuously filed the same application under Section 311 of Cr.P.C., sought for the very same prayer. When the petition was allowed, at that time, the petitioner was unable to appear before the trial Court on account of her ill health. It was further submitted by the learned counsel for the petitioner that the earlier application was withdrawn by her counsel due to some collision between the counsels, and therefore, the petitioner immediately approached this Court by way of this revision.

4. The learned counsel appearing for the respondent submitted that despite being given several opportunities, the petitioner failed to appear before the trial Court for the cross-examination, which clearly shows that there is nothing but to drag the proceedings.



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5. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent and also perused the materials available on record.

6. Considering the facts and circumstances of the case, this Court is of the view that the petitioner may be granted one more opportunity to appear before the trial Court for the cross-examination in order to put forth her defence.

7. Therefore, the petitioner shall appear before the trial Court on **12.08.2025** for the cross-examination. On the said date, the respondent shall also be present. The trial Court shall complete the trial within a period of eight weeks from the date of cross-examination of P.W.1.

8. Accordingly, this Criminal Revision Case is allowed by setting aside the order dated 06.02.2025 passed in Crl.M.P.No.230 of 2025 in C.C.No.139 of 2023 by the learned Judicial Magistrate Fast



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Track Court (Magisterial Level), Alandur. Consequently, the connected miscellaneous petition is also closed.

**08.08.2025**

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**Note: Issue order copy on 11.08.2025**

To

1.The Metropolitan Magistrate, Fast Track Court,  
(Magisterial Level), Alandur.



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**G.K.ILANTHIRAIYAN, J.**

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