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CRL OP No. 23023 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23023 of 2025 & CrI.M.P.No.15734 of 2025

1. P.Raja

S/o.Palanisamy, No.155, Aani Street,
Chinmaya Nagar, Koyambedu,
Chennai-600 107.

Petitioner(s)

Vs

1. M/s.A.Sakkarai Traders,
Represented by its, Proprietor
A.Sacharaias @ Sakkarai, B-93, D-1,
E-36, Periyar Veg.Market, Koyambedu,
Chennai-600 092.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to call for the records pertaining to the proceedings in STC No.12904/2023 on the file of the Honble FTC-II, Magistrate Court at Egmore, Allikulam, Chennai and set-aside the impugned order dated 05/08/2025 in CrI.M.P.No.10606/2025 in STC No.12904/2023, on the file of the Honble FTC-II Metropolitan Magistrate Court at Egmore, Allikulam, Chennai.



For Petitioner(s): M/s.R.Gunasekarun

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ORDER

Challenging the Order of the trial Court dismissing the petition filed by the petitioner to recall P.W.1 for the purpose of cross examination of P.W.1, the present Criminal Original Petition has been filed.

2. The petitioner is an accused in a case filed by the respondent for the offence under section 138 of the Negotiable Instruments Act. The petitioner has filed a petition to recall P.W.1 for the purpose of further cross examination. The said petition has been dismissed by the trial Court on the ground that as P.W.1 has already been cross examined and there is no specific reason stated in the petition for recall of P.W.1 and that the petition has been filed only to drag on the proceedings.

3. Considering the facts and circumstances of the case and in order to give an opportunity to the petitioner to further cross examine P.W.1, I am inclined to allow this petition on payment of cost.



4. Accordingly, this Criminal Original Petition is allowed on payment of cost of Rs.5000/- payable by the petitioner to P.W.1. On such payment being made, let the trial Court fix a date for further cross examination of P.W.1 and the petitioner shall complete the cross examination of the witness on the date fixed by the trial Court. If the cross examination has not been done on that date, his right for cross examination of the witness shall be forfeited. Consequently, connected miscellaneous petition is closed.

20-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

FTC – II Metropolitan Magistrate Court,
Egmore, Allikulam.



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N.SATHISH KUMAR J.

VRC

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