



CrI.O.P.No.23185 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.23185 of 2025

K.Prabu

... Petitioner

Vs.

R.P.Kannan

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 Cr.P.C./528 of BNSS, to set aside the common order dated 25.07.2025 passed by the learned Judicial Magistrate, Komarapalayam, in so far as CrI.M.P.No.8 of 2025 in STC No.288 of 2020 is concerned, whereby, allowing the petition filed by the respondent under Section 311 Cr.P.C. to recall the complainant who was examined as PW1 and consequently, direct the learned Judicial Magistrate, Komarapalayam, to complete the trial proceedings within the time frame fixed by this Court.

For Petitioner : Mr.S.Sathia Chandran

ORDER

Challenging the order of the trial Court dated 25.07.2025, allowing the petition filed by the respondent/accused in CrI.M.P.No.8 of 2025 in S.T.C.No.288 of 2020, under Section 311 Cr.P.C., to reopen and recall PW1



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for further cross examination, the present Criminal Original Petition has been filed.

2. The petitioner has filed a case against the respondent/accused under Section 138 of the Negotiable Instruments Act in S.T.C.No.288 of 2020, which is pending on the file of the learned Judicial Magistrate, Komarapalayam. It is the grievance of the petitioner that he had already been examined long back, including on the aspect of his source of income and thereafter, the defence witness was also examined. However, at this stage, the respondent once again filed a petition to recall the petitioner/PW1 for further cross examination in respect of his means and source of income and the trial Court allowed the same. Aggrieved over the same, the present petition has been filed.

3. On perusal of the records, this Court is of the view that the trial Court has allowed the petition to give one more opportunity to the respondent/accused. However, the fact remains that the recall was sought on the ground that the source of income of the complainant had not been established. A perusal of the earlier cross examination reveals that questions with regard to the source of income were already put to the petitioner and



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answers were elicited. However, the same was not taken note of by the trial

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4. In view of the above, the trial Court shall fix only one date for cross examination and it shall be completed on the very same day. It is made clear that the trial Court shall ensure that no repeated questions are asked under the pretext of cross examination and when questions have already been asked and the answers elicited in the previous cross examination, the respondent cannot be permitted to repeat the questions once again.

5. Accordingly, this Criminal Original Petition stands disposed of with the aforesaid direction.

21.08.2025

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Neutral Citation: Yes/No

To : The Judicial Magistrate, Komarapalayam.



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N. SATHISH KUMAR, J.

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