



Crl.O.P.No.23452 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.23452 of 2025
and Crl.M.P.No.16000 of 2025**

N.Senthilvelan

... Petitioner

Vs.

M.Sigamani

... Respondent

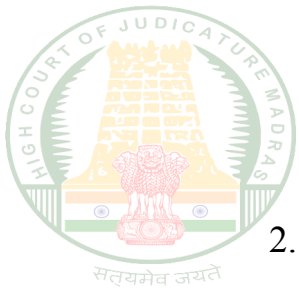
PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to call for the records pertaining to the order dated 11.08.2025 in Crl.M.P.No.11349 of 2025 in S.T.C.No.17 of 2025, pending on the file of the Metropolitan Magistrate, Fast Track Court No.II, Egmore at Allikulam, Chennai and set aside the same.

For Petitioner : Mr.P.G.Thiyagu

For Respondent : Mr.S.Dhanasekar

ORDER

Challenge has been made to the order of the trial Court dated 11.08.2025, dismissing the application filed by the petitioner in Crl.M.P.No.11349 of 2025 in S.T.C.No.17 of 2025, seeking to recall and re examine DW2, the defence side witness.



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2. Heard both sides and perused the materials available on record.

3. The complaint under Section 138 of the Negotiable Instruments Act has been filed by the respondent against the petitioner, alleging that the petitioner borrowed a sum of Rs.15,20,000/- and issued a cheque, which was subsequently returned with the endorsement 'payment stopped by drawer'.

4. It is now the contention of the learned counsel appearing for the petitioner that on the earlier occasion, a legal notice had already been issued to the petitioner in respect of the very same transaction against DW2 and only in order to prove that particular fact, DW2, who is none other than the wife of the accused, was sought to be examined. However, the trial Court dismissed the same holding that the petitioner had not assigned any specific reason. Aggrieved over the same, the present petition has been filed.

5. Learned counsel appearing for the respondent submitted that the application has been filed by the petitioner only to delay the progress of the trial.



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7. Accordingly, this Criminal Original Petition is allowed and the order passed by the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore, Allikulam, Chennai, in Crl.M.P.No.11349 of 2025 in S.T.C.No.17 of 2025, dated 11.08.2025, is set aside. The trial Court shall fix a date for the examination on the defence witness. It is made clear that the petitioner shall complete the examination of his defence witness within two weeks from that date. The case in S.T.C.No.17 of 2025 shall be disposed of as expeditiously as possible, preferably, within a period of one month thereafter. Consequently, connected miscellaneous petition is closed.

02.09.2025

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Neutral Citation: Yes/No

To : The Metropolitan Magistrate, Fast Track Court No.II,
Egmore , Allikulam, Chennai.



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N. SATHISH KUMAR, J.

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