



Crl.O.P.Nos.23356 & 23359 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.Nos.23356 & 23359 of 2025
and Crl.M.P.No.15941 of 2025

M.Raja

... Petitioner in both Crl.O.Ps.

Vs.

Sridhar

... Respondent in both Crl.O.Ps.

Common Prayer : Criminal Original Petitions are filed under Section 528 of BNSS, to set aside the orders dated 19.07.2025 made in Crl.M.P.Nos.7 & 8 of 2025 in S.T.C.No.140 of 2023 on the file of the learned Judicial Magistrate at Attur.

For Petitioner : Mr.J.Jayan

ORDER

Challenging the orders passed by the learned Judicial Magistrate, Attur, in Crl.M.P.Nos.7 & 8 of 2025 in S.T.C.No.140 of 2023 dated 19.07.2025 dismissing the petitions filed by the petitioner to reopen the case for examining himself as witness on his side as defense witness and to recall DW1 for examination in S.T.C.No.140 of 2023, the present Criminal Original Petitions have been filed.



2. The petitioner is an accused in a case filed by the respondent under Section 138 of the Negotiable Instruments Act in S.T.C.No.140 of 2023 on the file of the learned Judicial Magistrate, Attur. The petitioner has filed a petitions Crl.M.P.Nos.7 & 8 of 2025 for the second time to reopen the case for examining himself as defense witness and to recall DW1 for examination in S.T.C.No.140 of 2023. Though the trial Court had already granted an opportunity to the petitioner to recall and reopen of DW1 evidence, the petitioner failed to avail the same by not producing the relevant documents. Thereby, the trial Court dismissed the petitions Crl.M.P.Nos.7 & 8 of 2025 vide orders dated 19.07.2025. Against which, the present petitions have been filed.

3. Considering the facts and circumstances of the case, this Court is inclined to grant one more opportunity to the petitioner to recall and reopen his evidence.

4. Accordingly, this Criminal Original Petitions are allowed and the orders passed by the learned Judicial Magistrate, Attur, in Crl.M.P.Nos.7 & 8 of 2025 dated 19.07.2025 are set aside. Thereby, the trial Court shall fix a date for the examination on the defence side. It is



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made clear that the petitioner shall complete his defence witness within two days from that date and in the event of default on the part of the petitioner, the right of the petitioner to examine defence witness shall be forfeited.

5. Consequently, the connected miscellaneous petition is closed.

25.08.2025

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Neutral Citation: Yes/No

To

The Judicial Magistrate, Attur.



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N. SATHISH KUMAR, J.

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