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CRL OP No. 23589 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

**CRL OP No. 23589 of 2025 &
Crl.MP.16086 of 2025**

1. Aranga Thirumaran
S/o. Aranganathan, No.23, Mooventhur
nagar, Dhanalakshmi Garden,
Villupuram.

Petitioner(s)

Vs

Srinivasan,
S/o. Paneerselvam, The Propreitor, Sri
Sai Thirumana Nilayam, T.Parangani
Village, Uppuvelur Post, Vanur Taluk,
Villupuram.

Respondent(s)

PRAYER: Criminal Original Petition filed u/s.482 of Cr.P.C., to call for the entire records relating to the impugned order dated 22.01.2025 passed in Crl.M.P.No.5538 of 2024 in S.T.C.No.1211 of 2022 on the file of the learned Judicial Magistrate, Gingee and to set aside the order.

For Petitioner(s): Mr. G.Paramasivam

**ORDER**

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This Criminal Original Petition has been filed to call for the entire records relating to the Impugned order dated 22.01.2025 passed in CrI.M.P.No.5538 of 2024 in S.T.C.No.1211 of 2022 on the file of the learned Judicial Magistrate, Gingee and to set aside the order.

2. Challenge has been made to the order passed by the learned Judicial Magistrate, Gingee in allowing the petition filed under section 311 of Cr/P.C., seeking permission to cross examine PW1. The petitioner filed a complaint against the respondent in in STC.No.1211 of 2022 before the Judicial Magistrate, Gingee under section 138 of the Negotiable Instruments Act. The trial court allowed the said application on payment of cost of Rs.1500/-. Aggrieved over the same, the present petition is filed.

3. It is the main contention of the petitioner that PW1 was present before the trial court on six occasions for cross examination, however, cross examination has not been done by the respondent/accused. Thus, there was negligence on the part of the accused in cross examining PW1. Without



considering the above fact, the trial court allowed the recall petition filed by the accused on payment of cost of Rs.1500/-.

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4. Considering the fact that examination of PW1/complainant by the accused/respondent is vital for unearthing the real truth, this court thought fit to give one more opportunity to the respondent/accused to cross examine PW1. Accordingly, the trial court is directed to fix a date for examination of PW1 by the accused/respondent. If the accused does not cross examine PW1 on the said date, he will not have any further right to seek for cross examination of PW1.

5. With the above direction, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

msr

28-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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1.SRINIVASAN

S/o. Paneerselvam, The Propreitor, Sri
Sai Thirumana Nilayam, T.Parangani
Village, Uppuvelur Post, Vanur Taluk,
Villupuram.

2. The Judicial Magistrate, Gingee



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N.SATHISH KUMAR J.

msr

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