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CRL OP No. 23628 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23628 of 2025

AND

CRL MP NO. 16116 OF 2025

1. Sridhar

S/o.Varatharaj, D.No.Kullppanaickanur,
Kezhil Theru, Thippampatti,
Panamarathupatti viz, Salem District.

Petitioner(s)

Vs

1. M.Velavan

S/o.A.C.Mathaiyan, D.No.62/27,
Kamaraj Nagar, Sesan Vadi Viz,
Mettupatti Post, Vazhppadi Taluk,
Salem District.

Respondent(s)

PRAYER : Petition filed under Section 528 of BNSS, to set aside the order dated 17.04.2025 passed in CrI.M.P.No.5/2025 in CC.No.194 of 2018 on the file of the Learned Judicial Magistrate Court, Rasipuram, Namakkal District by allowing the present petition.

For Petitioner(s): M/s.J.Titus Enock
M.Karthik
V.Janaranjani



ORDER

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This Petition has been filed to set aside the order dated 17.04.2025 passed in Crl.M.P.No.5/2025 in CC.No.194 of 2018 on the file of the Learned Judicial Magistrate Court, Rasipuram, Namakkal District by allowing the present petition.

2. Challenge has been made to the order of the Trial Court allowing further cross examination of P.W.1 on payment of Rs.5000/-. The respondent had filed a complaint under Section 138 of Negotiable Instruments Act. P.W.1 was examined in the year 2024 and he was cross examined partly on 23.04.2024. Once again, the matter has been adjourned to 10.08.2024. Again P.W.1 was cross examined in part and the matter has been adjourned to 11.03.2025. However, the cross examination had not been done on the said date and the evidence of P.W.1 was closed. Thereafter, an application has been filed to recall and further cross examination of P.W.1.

3. The Trial Court taking note of the conduct of the accused, had imposed a cost of Rs.5000/- and allowed the Petition. However, the conduct of the accused in cross examining the witness in part, is against the very procedure of the Court. When the witness was present, it was for the accused to cross examine him. In view of such conduct of the accused, the Trial Court has rightly imposed a cost. Hence, I do not find any merit in this Petition and the same is liable to be dismissed.



4. The Trial Court shall fix a date for cross examination of P.W.1 and ensure that P.W.1 is cross examined on the same day. If the cross examination is not done on the date to be fixed by the Trial Court, the accused will lose the right to further cross examine P.W.1. Time is extended for the accused for a period of one week from the date of receipt of a copy of this order to pay the cost.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

26-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

gsk

To

1.M.Velavan

S/o.A.C.Mathaiyan, D.No.62/27,
Kamaraj Nagar, Sesan Vadi Viz,
Mettupatti Post, Vazhppadi Taluk,
Salem District.

2.The Public Prosecutor,
High Court of Madras.



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N.SATHISH KUMAR J.

gsk

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