



WEB COPY



Crl.O.P.No. 26381 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 26381 of 2024

and

Crl.M.P.No.14657 of 2024

K.Sudharsanan

..... Petitioner

Vs

A.Karthikeyan

..... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the Order dated 25-09-2024 passed in Crl.M.P.No.3982 of 2024 in S.T.C.No.141 of 2017, on the file of Judicial Magistrate, Polur, Tiruvannamalai District by allowing the above Criminal Original Petition.

For Petitioner : Mr.N.Sivaprakash

For Respondent : No appearance

ORDER

This Criminal Original Petition has been filed challenging the order dated 25.09.2024 passed in Crl.M.P.No.3982 of 2024 in STC No.141 of 2017 by the Judicial Magistrate, Polur, Tiruvannamalai District, thereby dismissing the petition filed under Section 311 of Cr.P.C. to recall P.W.2 for further cross examination.

2. Heard the learned counsel appearing for the petitioner and



Crl.O.P.No. 26381 of 2024

WEB COPY

perused the materials available on record. Though notice has been served on the respondent, none appeared on behalf of the respondent either in person or through pleader.

3. It is seen that the Branch Manager of Indian Over Seas Bank, Polur was examined as P.W.2 by the respondent and was directed to produce records in respect of the cheques which were drawn from his branch. Though these records were produced before the Trial Court, they were not marked as exhibits through P.W.2. Therefore, the petitioner was constrained to file a petition to recall P.W.2 in order to mark those documents produced by him.

4. In view of the above the order dated 25.09.2024 passed in Crl.M.P.No.3982 of 2024 in STC No.141 of 2017 by the Judicial Magistrate, Polur, Tiruvannamalai District, is hereby set aside. The Trial Court is directed to fix a date for the cross examination of P.W.2. If the petitioner fails to cross examine P.W.2 on the date fixed by the Trial Court, the Trial Court is directed to proceed with the trial in accordance with law. The petitioner is permitted to cross examine P.W.2 on payment of cost of Rs.2,000/- to him.

5. With the above direction, this Criminal Original Petition



Crl.O.P.No. 26381 of 2024

stands allowed. Consequently, connected miscellaneous petition is

WEB COM closed.

06.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

The Judicial Magistrate,
Polur, Tiruvannamalai District.



WEB COPY



Crl.O.P.No. 26381 of 2024

G.K.ILANTHIRAIYAN, J.

Lpp

Crl.O.P.No. 26381 of 2024

06.03.2025