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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-10-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

**CRL OP No. 28947 of 2025 AND
CRL MP No. 19621 of 2025**

D.Ganapathi
Proprietor of Sri Jayathi Traders
20-A/7, Kamarajar Nagar,
Near Neelam Towers,
Old Needamangalam Road,
Needamangalam-614404

Petitioner(s)

Vs

P.Gopalakrishnan
S/o. Palanisamy,
Proprietor of Sri Palaniappa Foods,
D.No.41/1, Aathavan mess complex,
Erode road, Sivagiri-638 109

Respondent(s)

PRAYER Criminal Original Petition filed under section 528 of BNSS to call for the records and to set aside the order passed in Cr.M.P.No.3 of 2025 in STC No.534 of 2021 pending on the file of Learned District Munsif cum Judicial Magistrate, Kodumudi.

For Petitioner(s): Mr.S.Prabhu

**ORDER**

This Criminal Original Petition is filed to call for the records and to set aside the order dated 14.08.2025 passed in Cr.M.P.No.3 of 2025 in STC No.534 of 2021, pending on the file of learned District Munsif-cum-Judicial Magistrate, Kodumudi.

2.The learned counsel for the petitioner would submit that the petitioner had filed Cr.M.P.No.3 of 2025 to recall the complainant for cross-examination since certain important questions were left out, whereas, the Trial Court had dismissed the petition vide order dated 14.08.2025 stating that the petition had been filed to delay the proceedings. The learned counsel further submitted that if one chance is not given to the petitioner, he will be put to hardship.

3.Heard the learned counsel for the petitioner and perused the materials available on record.

4.From the records, it is seen that the case is of the year 2021 and the petitioner had cross-examined the complainant on 13.04.2023. Later, the



petitioner had filed a petition to recall the complainant for cross-examination on the ground that the complainant was not cross examined on 04.07.2025. The Trial Court, finding that the petition has been filed only to delay the process, had dismissed the petition. Even now, it is seen that despite the order being passed in Cr.M.P.No.3 of 2025 on 14.08.2025 and the copy of the order being made ready on 20.08.2025, the present petition seeking to set aside the order dated 14.08.2025 has been filed only on 03.09.2025 and thereafter, by rectifying the defects on 07.10.2025. Further, it is also admitted by the learned counsel for the petitioner that the case is posted for arguments on 07.11.2025.

5. Therefore, this Court is of the view that there is no merit in this case and accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



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A.D.JAGADISH CHANDIRA J.

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