



Crl.O.P.No.25450 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2025

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CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.25450 of 2025 & Crl.M.P.No.17218 of 2025

Regina Mary Xavier

... Petitioner

Vs.

KAY KAY WATER PROOFING SOLUTIONS

Having registered office at No.47/48

Sapthagiri complex, Akkalappa Layout, Ramamoorthy Nagar Main Road

Bangalore – 560 016, Rep. by its Managing Partner

Kamalesh Kumar Surana

... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to call for the records in Crl.M.P.No.65 of 2025 in connection with S.T.C.No.95 of 2022 on the file of the learned XI Court of Small Causes, Chennai and set aside the same for the purpose of a fair trial, equity and natural justice.

For Petitioner : Mr.S.Sasikumar

ORDER

Challenging the order of the Trial Court dismissing the petition filed under Section 311 of CrPC to recall the evidence of PW1 to cross examine PW1.

2. Heard the learned counsel for the petitioner and perused the materials placed on record.



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N.SATHISH KUMAR, J.

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3. Though the conduct of the petitioner does not require any sympathy, but the fact remains that PW1 has not been cross examined despite several opportunities. In order to afford one more opportunity, this Court is inclined to set aside the order of dismissal for cross examining the PW1 subject to payment of costs of Rs.5000/-. The Trial Court is directed to recall the evidence of PW1 on the same day itself, cross examination shall be conducted. It is made clear that if the cross examination is not done on the same day, the petitioner will have no right to seek for further cross examination and thereafter, the judgment shall be pronounced.

4. Accordingly, this petition stands allowed. Consequently, connected miscellaneous petition stands closed.

17.09.2025

dhk

Neutral Citation : Yes/No

Internet : Yes/No

To
The XI Court of Small Causes, Chennai

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