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Crl.O.P.Nos.26092 & 26094 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.Nos.26092 & 26094 of 2025

and

Crl.M.P.Nos.17716 & 17725 of 2025

E.Uma Rani

... Petitioner in both Crl.O.Ps.

Vs.

K.Nimalan

... Respondent in both Crl.O.Ps.

Prayer in Crl.O.P.No.26092 of 2025 : Criminal Original Petition is filed under Section 528 of BNSS, to set aside the docket order dated 09.08.2025 in Crl.M.P.No.3087 of 2025 in S.T.C.No.3419 of 2025.

Prayer in Crl.O.P.No.26094 of 2025 : Criminal Original Petition is filed under Section 528 of BNSS, to set aside the docket order dated 09.08.2025 in Crl.M.P.No.3088 of 2025 in S.T.C.No.3419 of 2025.

For Petitioner in both Crl.O.Ps. : Mr.B.Manoharan



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COMMON ORDER

Challenging the orders of the trial Court dated 09.08.2025, allowing the petitions filed by the respondent in Crl.M.P.Nos.3087 & 3088 of 2025 in S.T.C.No.3419 of 2025, respectively under Sections 311 and 294 of Cr.P.C., seeking to recall PW1 for the purpose of cross examination and to adduce further evidence namely, Sale deed dated 03.02.2009 and Encumbrance Certificates dated 04.07.2025 and 08.07.2025, the present Criminal Original Petitions have been filed.

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

3. The complaint under Section 138 of the Negotiable Instruments Act was originally filed by the respondent against the petitioner in S.T.C.No.484 of 2018, which ended in conviction on 25.01.2021. Aggrieved by the same, the petitioner herein preferred an appeal in C.A.No.21 of 2021 before the II Additional District and Sessions Court, Salem and the same was allowed on 17.04.2025, whereby, the matter was remanded back to the trial Court. Consequently, the case was re-numbered



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as S.T.C.No.3419 of 2025 on the file of the learned Judicial Magistrate

No.III, Salem. In the said case, the respondent/de facto complainant has filed the petitions seeking to recall PW1 for further cross examination and to adduce additional evidence. The trial Court, vide docket orders dated 09.08.2025, allowed both the petitions in the absence of the petitioner, who had not filed any counter. Aggrieved by the same, the present petitions have been filed.

4. A perusal of the records reveals that the respondent sought to file the above documents to substantiate his claim regarding the legally enforceable liability and to establish his financial capacity to mobilize the funds. The petitioner has the opportunity to cross examine PW1 in that aspect during the trial. Hence, this Court does not find any illegality or infirmity in the orders dated 09.08.2025 passed by the learned trial Judge. The trial Court shall proceed with the trial by affording due opportunity to the petitioner to cross examine PW1 so as to rebut the contentions of PW1. The learned Magistrate shall ensure that the cross examination is completed on the same day.



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5. Accordingly, these Criminal Original Petitions stand dismissed
with the above directions.

24.09.2025

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Neutral Citation: Yes/No

To

The Judicial Magistrate No.III,
Salem.



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N. SATHISH KUMAR, J.

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and Crl.M.P.Nos.17716 & 17725 of 2025***

24.09.2025