



Crl.O.P.No.26867 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 07.10.2025**

CORAM:

**THE HON'BLE MR.JUSTICE N. SATHISH KUMAR**

**Crl.O.P.No.26867 of 2025 & Crl.M.P.No.18301 of 2025**

Surulirajan ... Petitioner

Vs.

Selvakumar ... Respondent

**PRAYER** : Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order dated 25.08.2025 passed by the learned Judicial Magistrate No.I, Panruti in Crl.M.P.No.3342 of 2025 in CC.No.159 of 2017.

For Petitioner : Mr.T.Arockia Dass

**ORDER**

Challenging the order of the Trial Court dismissing the application to recall the evidence of PW1 for cross examination of PW1, the present petition has been filed.

2. The case of the petitioner is that though the complaint was filed under Section 138 of Negotiable Instruments Act, 1881 and PW1 was examined in chief on 13.03.2019, however, cross examination was not done by the petitioner despite the conditional order passed by the Trial Court. Therefore, the Trial Court closed the evidence of PW1 and the matter was



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posted for questioning under Section 313 CrPC. At this stage, the present

WEB application is filed and as against the dismissal, this petition is filed.

2. The learned counsel for the petitioner would submit the petitioner has valid defence, though there is a delay in filing such application, he is ready to cross examine PW1 on the same day on terms fixed by the Court.

3. Heard both sides and perused the materials placed on record. Though the conduct of the petitioner is not appreciable and he has dragged the proceedings for more than 5 years, this Court is of the view that since there is a statutory presumption attached to the cheque, one more opportunity has to be given to the petitioner to establish his defence on merits. Accordingly, the order of the Trial Court rejecting the application for cross examination is set aside and the petitioner is granted an opportunity to cross examine the PW1. The Trial Court shall fix a specific date for cross examination and on the same day, the petitioner shall cross examine PW1, provided the petitioner shall pay a costs of Rs.5000/- to the PW1. It is made clear that failure to cross examine the witness, the petitioner will have no further right to cross examine PW1.

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



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miscellaneous petition stands closed.

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**06.10.2025**

*dhk*

Neutral Citation: Yes/No

To

1. The Judicial Magistrate No.I, Panruti
2. The Public Prosecutor,  
High Court of Madras.

**N. SATHISH KUMAR, J.**



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