



Crl.OP.No.27720 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.27720 of 2025

and

Crl.M.P.No.18830 of 2025

Loganathan

... Petitioner

Vs.

T.Manokaran

... Respondent

Prayer: Petition filed under Section 528 of BNSS, to set aside the order passed by the learned Judicial Magistrate-Fast Track Court-I, Erode in Crl.M.P.No.10 of 2025 dated 28.08.2025 in STC.No.121 of 2024 and permit the petitioner to recall PW-1 for cross examination.

For Petitioner : Mr.S.Sriram

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the learned Judicial Magistrate-Fast Track Court-I, Erode in Crl.M.P.No.10 of 2025 dated 28.08.2025 in STC.No.121 of 2024 and permit the petitioner to recall PW-1 for cross examination.



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WEB COPY 2. Heard the learned counsel for the petitioner.

3. The learned counsel for the petitioner submitted that the petition filed by the petitioner under Section 145(2) of NI Act for further cross examination of PW1 was dismissed by the trial Court on the ground that the witness have already been cross examined on 05.08.2025. He further submitted that the petitioner has sought for the details of nature of cross examination done and also stated that due to non availability of entire documents, he was not able to complete the cross examination in full. Aggrieved by the dismissal order of the trial Court, the present petition has been filed seeking the above relief.

4. On perusal of the records, it is crystal clear that the cross examination of PW1 was completed fully on 05.08.2025 and there is no dispute in regard to the issuance of cheque but however, the dispute is only in respect of quantum. According to the petitioner, part payment has been made and it is the burden entirely lies on the petitioner to prove the case in regard to the disputed quantum. Therefore, I do not find any merits in the case and it is for the petitioner to establish his case before the trial Court.



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5. In view of the above reasonings, the Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition is also closed.

10.10.2025

DP

To

- 1.The Judicial Magistrate-Fast Track Court-I,
Erode.
- 2.The Public Prosecutor,
Madras High Court.



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N.SATHISH KUMAR.J.

DP

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