



Crl.O.P.No.27496 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.27496 of 2025
and Crl.MP.No.18568 of 2025

Mrs.Inbavalli

... Petitioner

Vs.

Mr.Dhilip Kumar

... Respondent

PRAYER : Criminal Original Petition is filed under 528 of BNSS, to call for the records pertaining to the common order dated 15.09.2025 passed in Crl.MP.No.5 of 2025 and 6 of 2025 passed by the Learned XXVII Metropolitan Magistrate, Saidapet, Chennai and set aside the same.

For Petitioner : Mr.Arasprabu.P

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The petitioner challenges the order of the trial Court, dismissing the applications filed under Section 311 of Cr.P.C., seeking to reopen and recall PW1 and to permit further examination on the side of the complainant.

2. The petition was filed by the Power Agent of the complainant.

P.W.1 was examined on 07.08.2025 and on the same day, the evidence was



Crl.O.P.No.27496 of 2025

closed. Thereafter, the petitioner has filed application in Crl.MP.Nos.5 & 6 of 2025 to adduce further evidence, which was dismissed by the trial Court on the ground that it had been filed only to delay the proceedings.

3. The learned counsel for the petitioner submitted that even the respondent had not raised any objection to reopen and recall P.W.1, yet the trial Court ignored this fact. The respondent, in fact, filed a counter, stating that they had no objection. Despite this, the trial Court dismissed the application solely on the ground of delay.

4. It is relevant to note that only P.W.1, the Power Agent was examined. During cross-examination, he admitted that his wife would be examined as she was aware of the entire proceedings. However, the trial Court closed the evidence without examining her.

5. Heard both sides and perused the materials placed on record.

6. In such view of the matter, in order to give a fair opportunity to the petitioner, this Court is of the view that the order of the trial Court is



Crl.O.P.No.27496 of 2025

required to be set aside.

WEB COPY

7. Accordingly, this Criminal Original Petition is allowed and the common order passed by the learned XXVII-Metropolitan Magistrate Saidapet, Chennai in Crl.M.P.No.5 of 2025 and 06 of 2025 dated 15.09.2025 is set aside. The trial Court is directed to recall PW1 and fix a date for cross examination and the cross-examination shall be completed within a period of one week from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

08.10.2025

kak

Neutral Citation:Yes/No

To

1. The Learned XXVII Metropolitan Magistrate,
Saidapet, Chennai
2. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.27496 of 2025

N. SATHISH KUMAR, J.

kak

Crl.O.P.No.27496 of 2025

08.10.2025