



Crl.R.C.No.62 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 11.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.62 of 2025

K.R.Senthil Kumar

... Petitioner

Vs.

K.Cheziyan

... Respondent

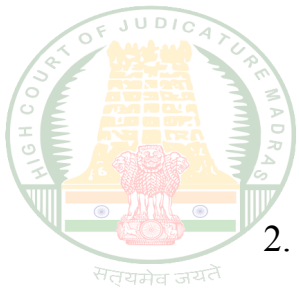
PRAYER: Criminal Revision has been filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records in Crl.M.P.No.74 of 2024 in S.T.C.No.356 of 2019 on the file of the learned Judicial Magistrate No.1, Namakkal dated 07.12.2024 and to set aside the same.

For Petitioner : Mr.MD.Ilayaraja
For Mr.R.Sasikumar

For Respondent : Mr.S.Senthil

ORDER

This Criminal Revision has been preferred as against the order dated 07.12.2024, passed by the learned Judicial Magistrate No.1, Namakkal, in Crl.M.P.No.74 of 2024 in S.T.C.No.356 of 2019, thereby dismissing the petition filed by the petitioner to recall P.W.1 for further cross examination.



2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner is arrayed as sixth accused on the complaint lodged by the respondent in S.T.C.No.356 of 2019 for the offence punishable under Section 138 of the Negotiable Instruments Act (hereinafter referred to as “the NI Act”). On the side of the respondent, he had examined as witness and the questioning under Section 313 of Cr.P.C., was also completed. At that juncture, the petitioner filed petition to recall P.W.1 for cross-examination in M.P.Nos. 19, 20 & 23 of 2023 and all the petitions were allowed and the petitioner was allowed to cross-examine P.W.1. Accordingly, the petitioner had cross examined P.W.1 in full on 10.04.2024 and thereafter questioning under Section 313 was also completed on 16.11.2024. When the matter was posed for defence side evidence, once again the petitioner filed petition to recall P.W.1 for further cross-examination. The trial Court dismissed the petition for the reason that the petitioner fully cross-examined P.W.1 and it is nothing but clear abuse of process of Court. This Court finds no infirmity or illegality in the order passed by the trial Court and revision is liable to be dismissed. However, the trial Court viz., learned Judicial Magistrate No.1, Namakkal, is directed to complete the trial in S.T.C.No.356 of 2019 within a period of three months from the date



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of receipt of a copy of this Order.

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4. Accordingly, the Criminal Revision Case stands dismissed.

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

rts

To

1. The Judicial Magistrate No.1,
Namakkal.



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G.K.ILANTHIRAIYAN. J,

rts

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