



Crl.O.P.No.6910 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2025

CORAM:

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

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C.Kanagai

... Petitioner

Vs

P.Rama Krishnan

... Respondent

PRAYER: Criminal Original Petition is filed under 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 20.08.2024 made in Crl.MP.No.854 of 2024 in STC No.71 of 2022 on the file of the Judicial Magistrate, Fast Track Court, Hosur and further direct the learned Judicial Magistrate, Fast Track Court, Hosur to allow the petitioner to re-open PW1.

For Petitioner : Mr.S.Arjun

ORDER

This Criminal Original Petition has been filed to set aside the order dated 20.08.2024 made in Crl.MP.No.854 of 2024 in STC No.71 of 2022 on the file of the Judicial Magistrate, Fast Track Court, Hosur.

2. Heard the learned counsel for the petitioner and perused the



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materials placed on record.

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3. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act. After the closing of the complainant's side evidence, when the matter was posted for questioning under Section 313 of Cr.P.C., the petitioner filed a petition to recall PW.1 once again for cross-examination. It was dismissed and aggrieved by the same, this present Criminal Original Petition has been filed.

4. On a perusal of the records, it reveals that after the chief examination of PW.1, it was posted for several hearings for the cross examination of PW.1. Finally, it was posted on 09.01.2024 for the cross-examination of PW.1. However, the petitioner once again failed to cross-examine PW.1 and the complainant's side evidence was closed on 09.01.2024. While that being so, the petitioner filed the petition to reopen and recall PW.1 in CrI.M.P.Nos.1 and 2 of 2024 in S.T.C. No.71 of 2022. Both the petitions were allowed on the condition that the petitioner shall pay a sum of Rs. 2,000/- each as costs to the complainant. Thereafter, the petitioner failed to pay the costs to the complainant.



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5. Further, it reveals that the petitioner also filed a memo stating that the cost was paid to the complainant. However, no costs were paid and the petitioner was not ready to cross-examine PW.1. Therefore, PW.1's evidence was once again closed. Thereafter, once again, the petitioner filed a petition to reopen and recall the evidence of PW.1. Therefore, it is nothing but an attempt to drag the proceedings and as such, the Trial Court rightly dismissed the petition, and this Court finds no infirmity or illegality in the order passed by the Trial Court.

6. Accordingly, this Criminal Original Petition is dismissed.

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Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Judicial Magistrate, Fast Track Court,
Hosur.
2. The Public Prosecutor,
High Court, Madras.

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