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CrI.O.P.No.29005 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.29005 of 2025
and CrI.M.P.No.19654 of 2025

1. Hotel City Centaur International Private Limited,
Rep. by its Director,
H.M.Nataraja,
Registered office at No.453/1, O.T.C.Road,
Cotton Peta, Bangalore – 560 053.
 2. H.M.Nataraja
- ... Petitioners

Vs.

Indrechand Kochar

... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to set aside the impugned order dated 06.10.2025, passed in CrI.M.P.No.13808 of 2025 in S.T.C.No.8437 of 2024, on the file of the learned XXXV Metropolitan Magistrate Court (FTC-II), Egmore, Allikulam, Chennai – 03.

For Petitioner : Mr.Sai Srujan Tayi

For Respondent : Mr.B.A.Sanjay Prasanna



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Crl.O.P.No.29005 of 2025

ORDER

The present Criminal Original Petition has been filed seeking to set aside the order passed by the XXXV Metropolitan Magistrate Court (FTC-II), Egmore, Allikulam, Chennai, in Crl.M.P.No.13808 of 2025 in S.T.C.No.8437 of 2024, dated 06.10.2025.

2. The petitioners are the accused facing trial in S.T.C.No.8437 of 2024, on the file of the XXXV Metropolitan Magistrate Court (FTC-II), Egmore, Allikulam, Chennai. In the said case, the petitioners filed Crl.M.P.No.13808 of 2025 under Section 311 Cr.P.C., seeking to reopen and recall PW1/respondent for the purpose of cross-examination. The trial Court, vide order dated 06.10.2025, dismissed the said petition stating that it had been filed for the second time without any valid reason. Aggrieved by the same, the present petition has been filed.

3. Learned counsel appearing for the petitioners submitted that the petitioners have certain valid questions to be put to the respondent/complainant, but, the trial Court, without considering the same, dismissed the petition under Section 311 Cr.P.C. He further submitted that



Crl.O.P.No.29005 of 2025

if the petitioners are not permitted to reopen and recall PW1 for cross-examination, they would be put to grave hardship. Hence, he prayed to set aside the order dated 06.10.2025.

4. Per contra, the learned counsel appearing for the respondent/complainant submitted that the case against the petitioners/accused has been pending since last year 2024. The respondent/complainant examined himself as PW1 and his chief examination was completed on 20.11.2024. However, the petitioners failed to cross examine PW1. Subsequently, on a petition filed by the petitioners, the trial Court, vide order dated 24.07.2025, granted opportunities to cross-examine PW1 on 01.09.2025 and 30.09.2025. Despite the same, the petitioners did not avail the opportunity. Hence, the trial Court, finding that the petitioners were protracting the proceedings, dismissed the petition in Crl.M.P.No.13808 of 2025 on 06.10.2025. Hence, he prayed for dismissal of the present petition.

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



Crl.O.P.No.29005 of 2025

6. A perusal of the records shows that the petitioners were earlier granted permission to recall and cross-examine PW1. However, despite the two opportunities given to the petitioners on 01.09.2025 and 30.09.2025, they failed to cross-examine the witness. Therefore, the trial Court had rightly dismissed the petition. This Court finds no illegality or infirmity in the order passed by the trial Court.

7. Accordingly, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

25.10.2025

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Neutral Citation: Yes/No

To

The XXXV Metropolitan Magistrate Court (FTC-II),
Egmore, Allikulam, Chennai – 03



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Crl.O.P.No.29005 of 2025

A.D.JAGADISH CHANDIRA, J.

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25.10.2025