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CRL OP No. 29056 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 29056 of 2025

M.Arun

Petitioner(s)

Vs

K.Guhaprakash

Respondent(s)

PRAYER

This Criminal Original Petition has been filed under section 528 of BNSS to set aside the order dated 15.06.2024 passed in CrI.M.P.No.10329/2024 in STC No.3045/2022 on the file of the Metropolitan Magistrate, III Fast Track Court, Saidapet, Chennai.

For Petitioner(s): Mr. M.Vijaya Ragavan

**ORDER**

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This petition has been filed seeking to set aside the order passed by the learned Metropolitan Magistrate, Fast Track Court -III Saidapet, Chennai in Crl.M.P.No.10329 of 2024 on 15.06.2024.

2. The petitioner is facing trial in STC No.3045 of 2022 for an offence under Section 138 of the Negotiable Instruments Act. In the said case, the petitioner had filed applications in M.P. Nos.1 & 2 of 2025 seeking to reopen and recall the Bank Manager of the State Bank of India, K.K.Nagar Branch for cross examination.

3. Upon consideration, the learned Trial Judge dismissed both the petitions vide order dated 07.10.2025, stating that on 19.01.2024 summon was issued to the Bank Manager and he was also present before the Trial Court on 07.02.2024. However, the counsel for the petitioner not present and consequently, the witness could not be examined. Thereafter, the petitioner filed another petition in Crl.M.P.No.10329 of 2024 for the same relief, which



was dismissed on 15.07.2024.

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4. Without challenging the said dismissal order, the petitioner had again filed petitions in CrI.M.P.Nos.1 and 2 of 2025, seeking recall and reopening of the Bank Manager's evidence. The Trial Court, on perusal of the records, found that the earlier petitions for the same relief had already been dismissed and that the present petitions were filed only to delay the proceedings. Accordingly, the learned Magistrate dismissed the same.

5. The learned counsel for the petitioner would submit that since the counsel's father had expired, the counsel had to go to Pollachi, Coimbatore, due to which the witness could not be examined on the date fixed.

6. On perusal of the materials on record, this Court finds that though the Bank Manager appeared on summons, the petitioner's counsel failed to examine the witness. Further the petitioner did not challenge the earlier dismissal order dated 15.06.2024 in CrI.M.P.No.10329 of 2024, which was filed for the same



purpose.

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7. The Trial Court has rightly observed that the proceedings under Section 138 of the Negotiable Instruments Act are summary in nature, and as per Section 143(3) of the Act, the trial must be completed within six months from the date of filing.

8. Therefore, this Court is of the view that the conduct of the petitioner clearly shows that the petitioner has filed petitions only to protract the trial. This Court no merit in the contention of the petitioner and finds no infirmity in the order passed by the learned Magistrate warranting interference.

9. In view of the above, this Criminal Original Petition Stands dismissed.

27-10-2025

Neutral Citation: Yes/No

mrp

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To

The Metropolitan Magistrate,
Fast Track Court-III
Saidapet, Chennai.



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A.D.JAGADISH CHANDIRA J.

mrp

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