



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

**CRL OP No. 29865 of 2025 and
CRL MP No.20355 of 2025**

S.Sundaram

S/O Sivakamainathan,

Petitioner

Vs

T.Mathivanan

S/o Thiyagarajan

Respondent

PRAYER: Criminal Original Petition filed under Section 528 to set aside the order dated 11.09.2025 passed by the learned Metropolitan Magistrate, Fast Track Court-V, Saidapet, in Crl.M.P.No.3246/2025 in STC No.985/2025.

For Petitioner : Mr.P.Rajkumar Pandian

ORDER

This Criminal Original Petition has been filed to set aside the order dated 11.09.2025, passed by the learned Metropolitan Magistrate, Fast Track Court-V, Saidapet, in Crl.M.P.No.3246 of 2025 in STC No.985 of 2025.

2. The case of the petitioner is that the petitioner is facing trial in STC No.985 of 2025 on the file of the learned Metropolitan Magistrate, Fast Track



Court-V, Saidapet, for the offence under Section 138 of Negotiable Instruments

Act. Pending trial, the petitioner had filed a petition before the trial Court in Crl.M.P.No.3246 of 2025, invoking Section 247 read with 243(2) of Cr.P.C., seeking to summon the witness namely the Sub Inspector of Police, Central Crime Branch, Chit and Kanthuvatti Wing-Team VII, Vepery, Chennai (Crime No.175 of 2023 & C.C.No.4378 of 2023) for the purpose of examining him as defence witness. The learned trial Judge dismissed the same holding that summoning the said witness is irrelevant to this case. Hence, challenging the same, the present petition is filed.

3. The learned counsel appearing for the petitioner would submit that as a defence witness, it is just and necessary to examine the said witness. However, he would submit that the case now stands posted tomorrow (01.11.2025) for judgment.

4. A perusal of the records shows that the petitioner has been questioned under Section 313 Cr.P.C. in the month of January 2025. The said petition seeking to summon the said witness has been filed on 04.02.2025 and it has been dismissed on 11.09.2025. However, the petitioner has not approached this



Court immediately. Admittedly, now the case stands posted tomorrow (01.11.2025) for judgment.

5. Under these circumstances, this Court finds that the said petition has been filed only to protract the proceedings. If at all the petitioner is aggrieved, he is entitled to raise his grounds at the appellate stage by seeking examination of additional witness. This Court finds no merits in this case.

6. Accordingly, this Criminal Original Petition is dismissed at the admission stage itself. Consequently, the connected Miscellaneous Petition is closed.

31-10-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Metropolitan Magistrate,
Fast Track Court-V, Saidapet
Chennai



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A.D.JAGADISH CHANDIRA J.

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