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CrI.O.P.No.31018 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2025

CORAM:

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

CrI.O.P.No.31018 of 2025

G.Penciliah

... Petitioner

Vs.

N.Baskaran

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to call for the records of the order dated 17.09.2025, passed in CrI.M.P.No.10 of 2025 in S.T.C.No.2059 of 2023 by the learned XXVII Metropolitan Magistrate Court, Saidapet, Chennai; and to examine the correctness, legality and propriety of the order dated 17.09.2025, passed in CrI.M.P.No.10 of 2025 in S.T.C.No.2059 of 2023 by the learned XXVII Metropolitan Magistrate Court, Saidapet, Chennai and set aside the same.

For Petitioner : Mr.C.Balaji

For Respondent : Mr.J.Satheesh

ORDER

The present Criminal Original Petition has been filed seeking to set aside the order passed by the XXVII Metropolitan Magistrate Court,



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Saidapet, Chennai, in Crl.M.P.No.10 of 2025 in S.T.C.No.2059 of 2023,
dated 17.09.2025.

2. The petitioner is an accused facing trial under Section 138 of the Negotiable Instruments Act, 1881, in S.T.C.No.2059 of 2023, on the file of the XXVII Metropolitan Magistrate Court, Saidapet, Chennai. In the said case, the petitioner filed a petition in Crl.M.P.No.10 of 2025 under Section 348 BNSS (corresponding to Section 311 Cr.P.C.), seeking to recall PW1 for the purpose of cross-examination. The trial Court, vide order dated 17.09.2025, dismissed the said petition stating that the petition had been filed without any valid reason and only to protract the trial. Aggrieved by the same, the present petition has been filed.

3. Learned counsel appearing for the petitioner submitted that the cross-examination of PW1 is required for arriving at a just decision in the case. He further submitted that the petitioner has certain valid questions to be put to the respondent/complainant, but, the trial Court, without considering the same, dismissed the petition. Hence, he prayed to set aside the order dated 17.09.2025.



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4. Learned counsel appearing for the respondent/complainant submitted that PW1 was extensively cross-examined on 04.07.2025. Further, despite granting 15 adjournments thereafter, the petitioner/accused did not cross-examine PW1. Therefore, the petition seeking recall of PW1 has been filed only to protract the proceedings and that the trial Court, finding the same, had rightly dismissed the petition filed in Crl.M.P.No.10 of 2025 on 17.09.2025. Hence, he prayed for dismissal of the present petition.

5. Having heard the learned counsel appearing on either side and upon perusal of the materials available on records, this Court is able to see that the case is of the year 2023 and that PW1 was extensively cross-examined on 04.07.2025 and subsequently, the case was posted on fifteen occasions. However, the petitioner did not cross-examine PW1 on those hearings and only after the closure of evidence, the petitioner filed the petition seeking cross-examination of PW1. Therefore, the trial Court, finding that the petition had been filed only to protract the proceedings, rightly dismissed the petition. This Court finds no illegality or infirmity in the order passed by the trial Court.



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6. Accordingly, this Criminal Original Petition stands dismissed.

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Neutral Citation: Yes/No

To

The XXVII Metropolitan Magistrate Court,
Saidapet, Chennai



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A.D.JAGADISH CHANDIRA, J.

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