



Crl.OP.No.31922 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2025

CORAM:

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

Crl.OP.No.31922 of 2025

and

Crl.MP.No.22065 of 2025

T.N.Hemalatha

...Petitioner

Vs.

K.Rajendran,

Proprietor,

M/s. Sri Selva Ganapathy Enterprises,

Old No.27A, New No.39, Varadarajar Perumal Koil Street,

Tondairpet, Chennai – 600 081.

...Respondent

Criminal Original Petition filed under Section 528 of BNSS, 2023, to set aside the order dated 24.09.2025 passed in Crl.M.P.No.3155 of 2025 in STC.No.1781 of 2022 on the file of the learned Fast Track IV Metropolitan Magistrate at George Town, Chennai.



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For Petitioner : Mr.S.Kingston Jerold

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ORDER

This criminal original petition has been filed seeking quashment of the order dated 24.09.2025 passed in Crl.M.P.No.3155 of 2025 in STC.No.1781 of 2022 on the file of the learned Fast Track IV Metropolitan Magistrate at George Town, Chennai.

2. The petitioner is an accused facing trial in STC.No.1781 of 2022, on the file of the learned Fast Track IV Metropolitan Magistrate, George Town, Chennai for the offence under Section 138 of the Negotiable Instruments Act, 1881. The petitioner filed a petition under Section 311 Cr.P.C., in Crl.M.P.No.3155 of 2025 in STC.No.1781 of 2022, seeking to recall PW1/respondent for the purpose of cross-examination. The trial Court, vide order dated 24.09.2025, dismissed the said petition stating that the same had been filed by the petitioner only to prolong the case proceedings.

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Challenging the same, the present petition has been filed.

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3. Learned counsel for the petitioner submitted that at the relevant point of time, since the petitioner was in jail in connection with another case, she was unable to cross-examine PW1. Learned counsel further submitted that the petitioner has certain valid questions to be put to the respondent/complainant in order to prove her innocence, so that the trial court can come to a just and proper conclusion. However, the trial Court, without considering the same, dismissed the petition filed by the petitioner under Section 311 Cr.P.C., which is not sustainable and if the petitioner is not permitted to recall PW1 for cross-examination, she would be put to grave hardship. Accordingly, he prayed for appropriate orders.

4. Admittedly, the case against the petitioner/accused is pending since 2022. The respondent/complainant examined himself as PW1 and his chief-



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examination was completed on 07.07.2023. Though the petitioner had earlier filed a petition under Section 145(2) of Cr.P.C., seeking to cross-examine the respondent and the same was also allowed as early as on 07.09.2023, however, despite being provided several opportunities for about 16 months ie., from 07.09.2023 till 03.01.2025, the petitioner failed to avail the said opportunities and instead of cross-examining PW1, she had taken continuous adjournments and thereby, the cross-examination of PW1 was closed on 03.01.2025.

5. In such circumstance, the petitioner once again filed a petition under Section 311 of Cr.P.C., seeking to recall PW1. The trial Court, finding that the petitioner is only protracting the proceedings by filing these petitions one after another, seeking recall of PW1, had rightly dismissed the petition in Crl.M.P.No.3155 of 2025, vide impugned order dated 24.09.2025 and this Court finds no illegality or infirmity in the said order passed by the



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trial Court.

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6. For the reasons aforesaid, this criminal original petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

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skt

Index : Yes/No

Speaking order : Yes/No

NCC : Yes/No

To:

The Fast Track IV Metropolitan Magistrate,
George Town, Chennai.

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