



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-12-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 32890 of 2025

and

CrI.MP.No.22947 of 2025

M. Vanniaraja

Petitioner(s)

Vs

S. Mangalanathan

Respondent(s)

PRAYER: This criminal original petition filed under Section 528 of BNSS to call for the records and set aside the order in CRL.M.P.No.166 of 2025 order dated 30.10.2025 passed by the Fast Track Court at Magisterial Level, Tiruvallur.

For Petitioner(s): Mr.R.Venkatraman

For Respondent: Mr.K.Balaji

ORDER

The petitioner has filed the criminal original petition seeking to set aside the order dated 30.10.2025 passed in CRL.M.P.No.166 of 2025 by the learned Fast Track Court, Magisterial Level, Tiruvallur, dismissing the petition filed under Section 311 Cr.P.C. to recall the witness.

2.The learned counsel for the petitioner submitted that PW1 was recalled at the behest of the complainant and during such recall, additional documents were marked. Thereafter, the petitioner sought permission to recall PW1 for the



purpose of cross-examination. However, the learned Judge rejected the same.

He further submitted that the cross examination of PW1 is essential for the trial Court to arrive at a just decision in the case and therefore, prayed for setting aside the order passed by the learned trial Judge.

3.Per contra, the learned counsel for the respondent submitted that PW1 was further examined in chief and Ex.P12 was marked on 21.07.2025. Subsequently, at the request of the accused side, the cross examination of PW1 was postponed to 05.08.2025. On that date, the witness and both the counsel were present. However, despite such appearance, the petitioner's counsel failed to cross examine the witness and sought a final opportunity and the trial Court, considering the request of the petitioner, adjourned the case to 18.08.2025. On that date, neither the petitioner nor his counsel were present and the case was again posted for arguments on 04.09.2025. Even on 04.09.2025 also, the petitioner was present, but there was no representation on the side of the respondent and hence, the trial Judge closed the evidence and subsequently, the petitioner filed the present petition seeking recall of PW1. The learned trial Judge, finding that the recall petition was filed only to protract the proceedings, dismissed the application and hence, there is no infirmity in the order passed by the trial Judge and the case now stands posted for judgment on 05.12.2025.



4. Heard the learned counsel appearing on either side and perused the materials available on record.

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5. From a perusal of the records, it is seen that despite sufficient opportunity given to the petitioner, he failed to cross examine PW1 and the case now stands posted for judgment on 05.12.2025. When the petitioner has not availed of three opportunities given to him, this Court finds no infirmity in the order passed by the learned trial Judge since it is summary proceedings.

6. In view of the above, the criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

03-12-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

To

Fast Track Court,
Magisterial Level, Tiruvallur.



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A.D.JAGADISH CHANDIRA J.

sms

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