



WEB COPY

CRL OP No. 32644 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

**CRL OP No. 32644 of 2025 and
Crl.M.P.No.22685 of 2025**

S.Shanthi

Petitioner

Vs

C.Suthanthiran

Respondent

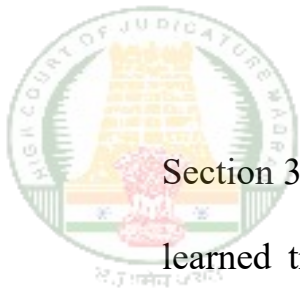
PRAYER Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to set aside the order dated 11.11.2025 in Crl.M.P.No.15465 of 2025 made in S.T.C.No.3807 of 2025 by the learned Metropolitan Magistrate, Fast Track Court-II at Allikulam, Egmore, Chennai in respect to the recall of defense witnesses and also direct the trial court to recall the defense witnesses for examination.

For Petitioner: Mr.M.Hussaini Basha

ORDER

This Criminal Original Petition has been filed seeking to set aside the order dated 11.11.2025 in Crl.M.P.No.15465 of 2025 in S.T.C.No.3807 of 2025 by the learned Metropolitan Magistrate, Fast Track Court-II at Allikulam, Egmore, Chennai, dismissing the petition filed under Section 353 Cr.P.C.

2. The learned counsel for the petitioner submitted that the petitioner is an accused, facing trial in S.T.C.No.3807 of 2025 for the offence under Section 138 of Negotiable Instruments Act. The petitioner had filed an application under



Section 315 Cr.P.C., seeking to examine her as a defence witness. However, the learned trial Judge, without considering the necessity of examining her as a defence witness, had dismissed the petition and seeking to set aside same, the present Criminal Original Petition has been filed.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. The petitioner is an accused facing trial for the offence punishable under Section 138 of the Negotiable Instruments Act. From the impugned order, it is seen that the petitioner had earlier filed an application under Section 315 of Cr.P.C. on 29.08.2025 and the same had been allowed on the same day and the case had been posted for evidence of D.W.1. On that day, the accused had not appeared before the Court and therefore, the trial Court had closed the evidence and once again for the very same relief, the petitioner had filed a petition for the second time under Section 315 of Cr.P.C., on 15.10.2025 and the said petition was allowed on the same day and the case has been posted for defence evidence on chief on 29.10.2025. The accused had not appeared on 29.10.2025 and thereby the evidence of D.W.1 was closed again. For the third time, the petitioner had filed Crl.M.P.No.15465 of 2025 (the present petition seeking for recall).



5. The learned trial Judge, finding that the case was at the stage of arguments and the petition had been filed for the same relief only to delay and drag on the proceedings, had dismissed the case. The learned trial Judge had also relied on the Judgment of the Apex Court in *AG Vs. Shiv Kumar Yadav* reported in **2016 (1) LW (Crl) 561**.

6. From the records, it is seen that the trial Court had given sufficient opportunity to the petitioner to examine herself. However, despite the grant of two earlier opportunities, the petitioner did not examine herself as defence witness and the trial Court, finding that it was done only with the intention of delaying the proceedings, had dismissed the application. I do not find any illegality or irregularity in the order passed by the trial Court. The learned trial Judge had rightly dismissed the application.

7. In view of the same, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

28-11-2025

vum
Index: Yes/No
Speaking/Non-speaking order

To
The Metropolitan Magistrate,
Fast Track Court-II at Allikulam,
Egmore, Chennai.



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A.D.JAGADISH CHANDIRA J.

vum

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