



WEB COPY



CrI.O.P.No.34551 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2025

CORAM:

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

CrI.O.P.No.34551 of 2025

and

CrI.M.P.No.24205 of 2025

Sakthisoruban

... Petitioner

Vs.

Gobu

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 of Cr.P.C., to admit the petition and set aside the order dated 17.11.2025 passed in CrI.M.P.No.798 of 2025 in S.T.C.No.167 of 2023 on the file of the Judicial Magistrate Court, Harur, Dharmapuri District.

For Petitioner : Mr.J.Pradeep

ORDER

The present Criminal Original Petition has been filed to set aside the order of dismissal dated 17.11.2025 passed in CrI.M.P.No.798 of 2025 in S.T.C.No.167 of 2023 by the file of the Judicial Magistrate, Harur, Dharmapuri District, which was filed to recall P.W-1 for the purpose of cross-examination.



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2. The petitioner is an accused facing trial in S.T.C.No.167 of 2023 on the file of the learned Judicial Magistrate, Harur, Dharmapuri District for the offence under Section 138 of Negotiable Instruments Act. The petitioner had filed a petition under Section 311 of Cr.P.C/336 of BNSS in CrI.M.P.No.798 of 2025 seeking to recall P.W-1 for the purpose of cross-examination. The respondent had filed counter contending that the petition has been filed only for the purpose of protracting the proceedings. It was also submitted that P.W-1 was examined in chief on 16.10.2023 and thereafter, after taking nine adjournments, P.W-1 was cross-examined on 20.03.2024. Subsequently, after the case was posted for arguments on 15.05.2024 and the arguments on the side of the complainant was over, the petitioner has filed an application seeking to recall P.W-1. The trial Court dismissed the petition holding that the petition was filed only to delay and protract the proceedings. Challenging the same, the present Criminal Original Petition has been filed.

3. The learned counsel appearing for the petitioner submitted that certain important questions were left to be put to the witness and if one chance is given, the petitioner would cross-examine the witness on the same day.



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

5. Admittedly, it is a case of offence under Section 138 of the Negotiable Instruments Act. P.W-1 was examined in chief on 16.10.2023 and after nine adjournments, he was cross-examined on 20.03.2024. Subsequently, the case was posted for arguments on 15.05.2024 and the arguments on the side of the complainant were also over. Only at this stage, the petition to recall P.W-1 was filed. The trial Court dismissed the said petition holding that it was filed only to protract the proceedings. This Court does not find any infirmity in the order passed by the trial Court.

6. Accordingly, this Criminal Original Petition stands closed. Consequently, the connected miscellaneous petition is closed.

18.12.2025

Neutral Citation: Yes/No
srm

To
The Judicial Magistrate Court,
Harur, Dharmapuri District.



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A.D.JAGADISH CHANDIRA, J.

SRM

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