



Crl.O.P.(MD)No.1774 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1774 of 2025

and

Crl.M.P.(MD)No.1217 of 2025

A.Suresh

: Petitioner

Vs.

Manohar

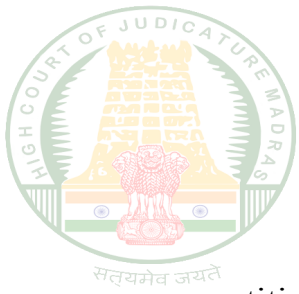
: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records and set-aside the order passed by the learned Judicial Magistrate No.II, Trichy in Crl.M.P.No.32961 of 2024 in C.C.No.692 of 2024 dated 26.12.2024.

For Petitioner : Mr.A.Vadivel

ORDER

The petitioner, who is the accused in a case under Section 138 of the Negotiable Instrument Act, filed by the respondent in C.C.No.692 of 2022, has filed this quash petition.



2.Considering the nature of the order proposed to be passed in this petition, notice to the respondent is dispensed with.

3.The petitioner has filed a petition in Crl.M.P.No.32961 of 2024 to recall and re-examine P.W.1. The contention of the petitioner is that the petitioner only received a sum of Rs.30,000/- from the respondent and also executed the cheque and pro note. However, the respondent had filed up the cheque for a sum of 9.00 lakhs and deposited the same, which got dishonored. Hence, the petitioner is facing trial. The petitioner to prove his case examined himself as defense witnesses and gave his explanation. Now for further corroborating the petitioner's evidence, the petitioner wants to recall P.W.1. Hence, he filed a petition but the trial Court by an order dated 26.12.2024 had dismissed the said petition. Hence, this petition.

4.Perusal of the impugned order it is seen that the case is now posted for arguments. At this time, the petitioner has filed this petition under Section 348 of BNSS to recall and reexamine P.W.1. The chief examination P.W.1 was concluded on 15.10.2022. Thereafter, the petitioner took almost 8 months to cross examine and the cross



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examination of P.W.1 was completed on 07.08.2023. Thereafter, the petitioner at the time argument, has filed this petition. The trial Court found that the petitioner only to drag on the proceedings, has filed the petition and hence, the trial Court has rightly dismissed the application filed by the petitioner seeking to recall the witnesses.

5.In view of the above this Court finds no reason to interfere with the order passed by the trial Court. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

30.01.2025

Index : Yes / No
Internet : Yes / No
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To

1. The Judicial Magistrate No.II, Trichy
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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