



***Crl.O.P.(MD)No.7422 of 2024***

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 24.10.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**Crl.O.P.(MD).No.7422 of 2024**

**and**

**Crl.M.P.(MD).No.5311 of 2024**

Raihana Begam

... Petitioner/Sole Accused

**Vs.**

Karthick

... Respondent/Complainant

**Prayer:** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and set aside the order made in Crl.M.P.No.755 of 2024 in C.C.No.87 of 2023 on the file of the Judicial Magistrate (Fast Track Court), Karaikudi dated 22.04.2024.

For Petitioner : Mr.D.Venkatesh

For Respondent : No appearance



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**ORDER**

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The petitioner seeks to set aside the impugned order dated 22.04.2024 in CrI.M.P.No.755 of 2024 passed by the learned Judicial Magistrate, (Fast Track Court), Karaikudi, dismissing the petitioner's application under Section 311 of Cr.P.C to cross-examine the respondent/complainant in the proceedings under Section 138 of Negotiable Instruments Act.

2. The petitioner is facing trial for the offence under Section 138 of Negotiable Instruments Act. She filed a petition for recall of the respondent/P.W.1 for cross-examination and the same was dismissed by the learned Magistrate stating that an earlier petition for recall of witness was allowed by the learned Magistrate; that the petitioner had not availed of the opportunity; and that therefore, the second application for recall of the witness would not be maintainable.

3. The learned counsel for the petitioner would submit that one final opportunity may be given to the petitioner to cross-examine the witness as there is presumption under Section 139 of Negotiable Instruments Act, which has to be rebutted.



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4. Though notice has been served on the respondent and his name is printed in the cause list, none has entered appearance for the respondent.

5. This Court, while admitting this petition, had granted interim stay of the impugned order and the case is pending since 2024 at the stage of cross-examination of the respondent. Though it cannot be said that the learned Magistrate was wrong in dismissing the recall petition, since the petitioner had not availed of the opportunity earlier, this Court is of the view that one more opportunity can be given to the petitioner to cross-examine the respondent on certain conditions. Accordingly, the following directions are issued:

(i) The petitioner shall cross-examine the respondent on the same day fixed by the learned Magistrate on payment of cost of Rs.10,000/- (Rupees Ten Thousand only) to the respondent and the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of C.C.No.87 of 2023 on the file of the learned Judicial Magistrate, (Fast Track Court), Karaikudi within a period of two (2) weeks from the date of receipt of a copy of this order.

(ii) If the petitioner fails to comply with any of the directions, the order passed by this Court shall stand vacated without reference to this Court.



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6. With the above observations, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

**24.10.2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No  
Lm

To  
The Judicial Magistrate (Fast Track Court),  
Karaikudi.



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**SUNDER MOHAN, J.**

Lm

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