

Crl.O.P.(MD)No.11471 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.11471 of 2025 and
Crl.MP(MD) No.8692 of 2025

K.Thangavel

... Petitioner

Vs

K.M. Manivel

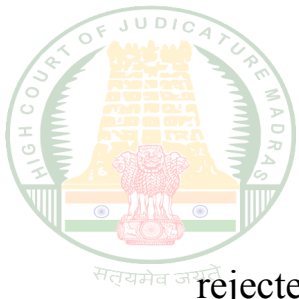
...Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to set aside order dt.19.06.2025 made in Crl MP No.4/2025 in STC No. 180/2022 on the file of the Learned District Munsif Cum Judicial Magistrate, Thottiyam, Trichy District and thereby allow the above Criminal Original Petition and pass such others.

For Petitioner : Mr.B.Jameel Arasu

ORDER

The petitioner/accused in STC No. 180 of 2022, on the file of the learned District Munsif cum Judicial Magistrate, Thottiyam has filed a petition in Crl.MP No. 4 of 2025, under Section 311 of Cr.P.C., to recall PW 1 for the purpose of cross examination and the same was



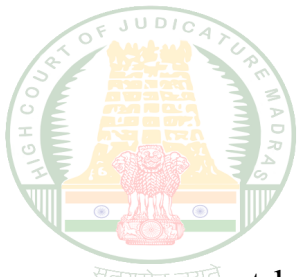
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rejected by the learned Magistrate, by his order, dated 19.06.2025.

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Aggrieved over the same, the petitioner is before this Court with this petition.

2.The respondent/Complainant has instituted a proceedings as against this petitioner under Section 138 of Negotiable Instruments Act. The respondent /complainant was examined in chief on 16.02.2023 and the complainant has marked four documents on his side as Ex.P1 to P4. Thereafter, the case was posted from 02.03.2023 to 20.06.2023 for the purpose of cross examination of PW 1. Though several opportunities were provided to this petitioner/accused to cross examine PW 1, he has failed to cross examine PW 1. Therefore, the defence side evidence was closed and it was posted for arguments. At this stage, the petitioner has filed an application to recall PW 1, for the purpose of cross examination, on the ground that some vital questions have been omitted. The vital question according to the petitioner is that a dollar chain embossed with initial TS was given to the respondent/complainant and that dollar chain was pledged in LVB, Kattuputhur Branch, by the complainant in his name and borrowed Rs.1,50,000/-. He also claimed that the legal notice



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sent by the complainant was returned as unserved and in order to prove that he did not receive any notice through post, it is necessary to re-open the case for cross-examination of PW 1, the Manager of the Bank and the Post Master, Kattuputhur Branch.

3.Considering the attitude of the petitioner in filing the petitions one after another and also even after providing sufficient opportunities from 02.03.2023 to 20.06.2023 for cross-examination, the petitioner has not utilized the same, the trial Court has rightly rejected the petition filed by this petition under Section 311 of Cr.P.C.

4.This Court is of the view that there is no reason to interfere with the order of the learned Magistrate in Crl.MP.No.4 of 2025, dated 19.06.2025. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

08.07.2025

NCC : Yes/No
Index : Yes/No
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B.PUGALENDHI,J

vrn

Order made in
CrI.OP(MD)No.11471 of 2025 and
CrI.MP(MD) No.8692 of 2025

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