



Crl.O.P.(MD)No.13207 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13207 of 2025
and
Crl.M.P.(MD)No.10437 of 2025

Maheshwari

... Petitioner

versus

R.Santhanamari

...Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records of the order made in Crl.M.P.No.172 of 2025 in S.T.C.No.115 of 2024 on the file of the Fast Track Court (Magistrate Level), Kovilpatti, Thoothukudi District dated 19.07.2025 and set aside the same and direct the trial Court to recall P.W.1 for cross examination.

For Petitioner : Mr.K.Palmurugan

ORDER

The petitioner, who is the accused in S.T.C.No.115 of 2024, has filed this petition seeking to set aside the order dated 19.07.2025 passed in Crl.M.P.No.172 of 2025 in S.T.C.No.115 of 2024 on file of the Fast Track



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सत्यमेव जयते
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Court (Magistrate Level), Kovilpatti, Thoothukudi District.

2. The petitioner is facing trial before the Fast Track Court (Magistrate Level), Kovilpatti, for the offence punishable under Section 138 of the Negotiable Instruments Act. The trial has commenced in the year 2024. P.W.1 was cross examined on 08.01.2025. Thereafter, the petitioner has filed a petition in CrI.M.P.No.172 of 2025, on 18.03.2025, seeking to recall P.W.1 for the purpose of cross examination of P.W.1 again. But, the said application was dismissed by the trial Court, by order dated 19.07.2025. Aggrieved over the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner submits that the respondent/complainant and the petitioner are close relatives. The petitioner's husband, without her knowledge, has given a cheque of the petitioner to the respondent. With this cheque, the respondent has foisted this case as against the petitioner. In fact, the petitioner has not borrowed any money from the defacto complainant/respondent.

4. The petitioner can very well establish her case by examining defence side witnesses. On this ground, there is no necessity for re-calling



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P.W.1 for cross examination.

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5. Accordingly, this Criminal Original Petition is dismissed with liberty to the petitioner to establish her case by examining the defence side witnesses. Consequently, connected miscellaneous petition is closed.

07.08.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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To

1. The Fast Track Court
(Magistrate Level),
Kovilpatti,
Thoothukudi District.



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B.PUGALENDHI, J.

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