



WEB COPY



Crl.O.P.No.4046 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2026

CORAM:

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

Crl. O.P. No. 4046 of 2026

and

Crl. M.P. No. 2800 of 2026

Sridevi

... Petitioner

Vs.

K.R. George

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to set aside the order passed in C.M.P. No. 199 of 2026 in S.T.C.No.5112 of 2024 dated 09.01.2026 on the file of Judicial Magistrate No.III, Coimbatore.

For Petitioner : Mr. G. Rajesh

ORDER

This Criminal Original Petition has been filed seeking to set aside the order dated 09.01.2026 passed by the Judicial Magistrate No.III, Coimbatore, in C.M.P. No. 199 of 2026 in S.T.C. No. 5112 of 2024.



2. The learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.T.C.No. 5112 of 2024 for the offence under Section 138 of Negotiable Instruments Act. He further submitted that the petitioner had filed an application seeking to recall PW.1. However, the learned Magistrate dismissed the said application. He would further submit that the recall is very much essential for arriving at a just decision in the case, whereas the trial Court, without properly considering the same, dismissed the application. Hence, the petitioner seeks to set aside the order.

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

4. The trial Court, at paragraph 7 of the impugned judgment, has discussed the misleading statements made by the petitioner in her petition and the same reads as under:

“On 08.12.2025 the case was posted for cross-examination of PW1 and the advocates were boycotting the court:

i) The petitioner has stated that on 08.12.2025 the case was posted for cross-examination of PW1 as if it was the first time the case was coming for cross-examination of PW1. Whereas, in this case, PW1 was examined-in-chief as early as



WEB COPY

on 13.03.2024 and the case got transferred to this Court from the FTC Court No.II at Coimbatore. Therefore this court has also given several adjournments only at the request made by the accused for cross-examination of PW1. However, the accused was not ready to avail such opportunity and so this Court finally on 26.09.2025 has closed the cross-examination of PW1.

ii) Immediately on the next hearing itself the accused has come up with the petition u/s. 311 of CrPC for recall of PW1 for cross-examination. Considering the principles of fair trial, this Court allowed the said petition in CMP No. 9801/2025 with a condition to pay a cost of Rs.500/- to the witness PW1. Thereafter, on 29.10.2025 when the case was called during calling hours, the learned counsel for the accused filed petition u/s. 317 of CrPC to dispense with the presence of accused and stated ready for the cross examination of PW1. So the case got passed over. Thereafter, when the case was again called at 12.00 Hours and 13.15 Hours on the same day, there was no representation on the side of accused. Considering the same, the petition u/s. 317 of CrPC was dismissed by this Court and non-bailable warrant was issued against the accused and the case was posted on 17.11.2025.

iii) On 17.11.2025 there was no representation for the accused and the case again adjourned to 08.12.2025 for execution of the NBW. Hence it is completely false to project a case that on 08.12.2025 the case was only posted for cross examination of PW1 as if the same was posted for the first time in the history of the case.”

5. A bare perusal of the above extracted portion reveals that the petitioner was afforded opportunity to cross-examine PW.1 not once but on numerous occasions, which he had not made use of. Hence, this Court does



Crl.O.P.No.4046 of 2026

not find any infirmity in the order passed by the trial Court. Therefore, this Court is not inclined to interfere with the order of the trial Court.

6. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, the connected miscellaneous petition is closed.

18.02.2026

Neutral Citation: Yes/No

AT

To
The Judicial Magistrate No.III, Coimbatore.



WEB COPY



Crl.O.P.No.4046 of 2026

A.D.JAGADISH CHANDIRA, J.

AT

Crl. O.P. No. 4046 of 2026 and
Crl. M.P. No. 2800 of 2026

18.02.2026