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Crl.O.P.No.4047 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. 4047 of 2026

and

Crl. M.P. No. 2801 of 2026

Mohanarangan

... Petitioner

Vs.

Sadam Hussain

... 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 dated 17.11.2025 made in Crl.M.P.No.206 of 2025 on the file of Fast Track Court at Magisterial Level, Tiruvallur and consequently to recall of PW1 and PW2 and subject them to cross-examination.

For Petitioner : Mr. K.S. Harish

ORDER

This Criminal Original Petition has been filed seeking to set aside the order dated 17.11.2025 passed by the Fast Track Court at Magisterial Level, Tiruvallur, in Crl. M.P. No. 206 of 2025 and consequently to recall of PW1 and PW2 for the purpose of cross-examination.



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2. The learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.T.C.No. 6 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 trial Judge 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. From a perusal of the records, it is seen that PW.1 had been extensively cross-examined on two occasions, i.e., on 23.04.2024 and on 03.05.2024. Subsequently, PW2 and PW3, namely the Bank Manager of the accused and the Bank Manager of the complainant, were examined in chief and cross-examined on the same day on 06.06.2024. Only after closing of the prosecution side evidence, questioning of the accused under Section 313 Cr.P.C., and examination of DW1 (accused) and DW2 (wife of the accused), at the stage of arguments, the present petition has been filed seeking to



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recall PW1 for further cross-examination. The trial Court, finding that PW.1 and PW.2 have been extensively cross-examined on the said dates, dismissed the application. To be noted, it is a summary trial proceedings and the trial Court is bound to follow the mandate of Section 143 of The Negotiable Instruments Act.

5. In view of the above, this Court does not find any infirmity in the order passed by the trial Court. This Court is also reminded that the proceedings under Section 138 of the N.I. Act are summary in nature and that as per Section 143 of the N.I. Act, there is a mandate for the trial Court to complete the trial within a period of six months. However, the petitioner/accused has dragged on the proceedings. 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

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The Fast Track Court at Magisterial Level, Tiruvallur.

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A.D.JAGADISH CHANDIRA, J.

AT

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