



Crl.O.P.No.4076 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2026

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4076 of 2026

and

Crl.M.P.No.2827 of 2026

MKD Potato Trading Company
Potato and Onion Commission Agent,
Rep by its Authorised Signatory,
M.K.Doss

... Petitioner

-Vs-

Mangalambigai
Rep. by her Power Agent,
And her Husband N.Balakrishnan

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S, to call for the records pertaining to the impugned order in Crl.M.P.No.1 of 2025 dated 20-01-2026 on the file of the learned FTC-III, Metropolitan Magistrate, Saidapet, Chennai -15 and set aside the same consequently, issue a direction, to re-open and call for the respondent/complainant namely Mangalambigai W/o.Balakrishnan in order to cross examine in S.T.C.No.2110 of 2024

For Petitioner : Mr.R.Prabudoss

ORDER

This Criminal Original Petition has been filed seeking to set aside the order dated 20.01.2026 passed in Crl.M.P.No.1 of 2025, on the file of the FTC-



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III, Metropolitan Magistrate Court , Saidapet, Chennai -15, by which the petitioner's application under Section 311 of the Cr.P.C., was dismissed.

2. The learned counsel appearing for the petitioner submitted that the petitioner did not receive any amount directly from the complainant. He further submitted that the alleged loan was obtained in the year 2016 from one Balakrishnan, who was acting as the power of attorney for the complainant. The petitioner further asserts that the loan amount was repaid in several instalments through bank transactions. At the time of the loan transaction, promissory notes, cheques, and stamp papers were handed over as security and these documents have been misused against the petitioner. He further submitted that the evidence of the said Balakrishnan is essential for a just decision in this case. However, the learned trial Judge dismissed the petition without considering these vital aspects. Aggrieved by the dismissal of the application , the petitioner has approached this Court by filing this petition.

3. Admittedly, the case is at the stage of final arguments. The Trial Court, after hearing both parties, dismissed the application with the following observations:

“8.In the present case, the petitioner has failed to:

Point out any specific contradiction in the testimony of



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necessitating the recall of the complainant;

Demonstrate that any material evidence required for the defence remains unexplored; or

Explain why the complainant could not have been examined earlier during the course of trial.

9. The allegation of collusion or discrepancies in testimony, without substantiating the same with specific grounds, does not justify summoning the complainant at this advanced stage of the proceedings, particularly when;

The trial has been pending for a considerable period;

Evidence and cross-examination are complete; and

The matter is posted for arguments.”

4. In the absence of any new facts or change of circumstances, this Court finds no infirmity or perversity in the order passed by the learned Trial Judge. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

19.02.2026

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order

rpl

To

The FTC-III, Metropolitan Magistrate, Saidapet, Chennai -15.



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A.D.JAGADISH CHANDIRA . J,

rpl

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