



Crl.O.P.No.4563 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2026

CORAM:

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

Crl.O.P.No.4563 of 2026
and Crl.M.P.No.3234 of 2026

J.Elangovan

... Petitioner

Vs.

M/s.Mahalakshmi & Sons,
Represented by its Authorized representative,
N.Chandrasekar, No.8/1, Cenotaph Road,
First Lane, Teynampet,
Chennai – 600 018.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records pertaining to the order dated 22.01.2026 in Crl.M.P.No.6 of 2026 in C.C.No.9120 of 2017, on the file of the XXVII Metropolitan Magistrate Court, Saidapet, Chennai and set aside the same for the purpose of fair trial, equity and natural justice.

For Petitioner : Mr.S.Sasikumar

ORDER

This Criminal Original Petition has been filed seeking to set aside the order dated 22.01.2026 passed by the learned XXVII Metropolitan Magistrate, Saidapet, Chennai, in Crl.M.P.No.6 of 2026 in C.C.No.9120 of 2017.



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2. Learned counsel appearing for the petitioner submitted that the petitioner is an accused facing trial in C.C.No.9120 of 2017 for the offence under Section 138 of the Negotiable Instruments Act. He further submitted that the respondent/complainant has filed a petition seeking to eschew the evidence of PW1, N.Chandrasekar, an erstwhile employee, who represented the respondent firm. However, the learned trial Judge, without assigning any reason, has allowed the petition seeking to eschew the evidence of PW1. Challenging the same, the present petition has been filed.

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

4. A perusal of the records shows that the case is of the year 2017 and that PW1, the erstwhile employee, was examined in chief as early as in the year 2020. However, the petitioner/accused has dragged on the proceedings for more than five years. In the meanwhile, PW1 resigned from the services of the respondent firm. Consequently, the complainant filed an application seeking to eschew the evidence of PW1 and to let in evidence through the Proprietor of the firm. Despite the matter being listed on several hearings, the petitioner/accused did not file any counter. Therefore, the trial



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Court, vide order dated 22.01.2026, allowed the petition, eschewed the evidence of PW1 and permitted the Proprietor to examine himself as PW1.

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 for more than five years. 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.

24.02.2026

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Neutral Citation: Yes/No

To

The XXVII Metropolitan Magistrate,
Saidapet, Chennai.



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A.D.JAGADISH CHANDIRA, J.

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24.02.2026