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Crl.O.P.No.4723 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2026

CORAM:

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

Crl. O.P. No. 4723 of 2026

and

Crl. M.P. No. 3362 of 2026

Boopathy

... Petitioner

Vs.

S.P. Julius Cesar

... 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 23.01.2026 passed in Crl.M.P.No.1030 of 2025 in C.C.No.93 of 2022 on the file of Judicial Magistrate No.II, Madurantakam.

For Petitioner : Mr. G. Magesh Kumar

ORDER

This Criminal Original Petition has been filed seeking to set aside the order dated 23.01.2026 passed by the Judicial Magistrate No.II, Madurantakam in Crl. M.P. No. 1030 of 2025 in C.C. No. 93 of 2022, whereby the petition filed under Section 348 of BNSS to recall PW.1 for the purpose of cross-examination was dismissed.



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2. The learned counsel for the petitioner submitted that the petitioner is an accused facing trial in C.C. No. 93 of 2022 for the offence under Section 138 of Negotiable Instruments Act, After the cross examination of PW.1 / complainant, the petitioner obtained certain materials which were omitted to be put to the witness during the cross-examination. Therefore, the petitioner filed an application seeking to recall PW.1 for further cross-examination. However, the trial Judge, without appreciating that the recall and further cross-examination of PW.1 are essential for the just decision of the case, dismissed the application. Hence, the present petition has been filed.

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

4. From the records, it is seen that the petitioner had earlier cross-examined PW.1 on 28.10.2022, 07.11.2022 and 21.06.2023. The trial Court, finding that the petition had been filed only to protract the proceedings, dismissed the application. This Court also finds that no special reason has been stated by the petitioner.



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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.

26.02.2026

Neutral Citation: Yes/No
AT

To
The Judicial Magistrate No.II, Madurantakam.



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A.D.JAGADISH CHANDIRA, J.

AT

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