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Crl.O.P.No.4769 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. 4769 of 2026

and

Crl. M.P. No. 3420 of 2026

1.M/s. Venus Enterprises,
Rep., by its Proprietrix,
Punnapula Venkataramanamma

2.Saraswathi

... Petitioners

Vs.

M/s. Pomona Global Logistics,
Rep., by its Partner, C.R. Narayanan

... 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 13.02.2026 passed in Crl.M.P.No.6812 of 2025 in S.T.C.No.1076 of 2023 on the file of Metropolitan Magistrate Fast Track Court-IV George Town, Chennai.

For Petitioners : Mr. K. Karthiresan

ORDER

This Criminal Original Petition has been filed seeking to set aside the order dated 13.02.2026 passed by the Metropolitan Magisterate Fast Track Court-IV, George Town, Chennai in Crl. M.P. No. 6812 of 2025 in S.T.C. No. 1076 of 2023.



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2. The learned counsel for the petitioners submitted that the petitioners are accused facing trial in S.T.C.No. 1076 of 2023 for the offence under Section 138 of Negotiable Instruments Act. He further submitted that the petitioners 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 petitioners seek to set aside the order impugned.

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

4. The observation of the trial Court is extracted below:

“Heard and perused. The petitioner has filed instant petition to re-open the evidence of complainant and prays to cross examine the PW1. The respondent filed counter and stated that even after granted sufficient opportunity to the petitioner to cross of PW1, he has failed to cross examine the PW1 and to mere drag the proceedings of this case alone, this petition filed which is liable for dismissal. Considering objection, present case complainant was examined as PW1 on 13.02.2025 and Ex.P1 to Ex.P6



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documents has marked through him. Further 13-02-2025 to till 04.02.2025 and after recorded statement U/s.313 Cr.P.C., also the accused not appear before this from 12.08.2025 to 20.09.2025, therefore this case reserved for Judgment on same day. Therein-after the petitioner again filed instant petition and prays to cross examine the PW1. The main reasons stated that, due to ill health of earlier senior counsel, it was not able to cross-examine the PW1 and would not able to get bundle from him. But both cannot be the ground for grant of this petition. It seen from the adjudication from 12.08.2025 to 20.09.2025 the accused not even appeared before this court. Therefore it is clear that the petitioner did not shown his genuine desire to lead any evidence for bringing facts before this court but the intention was only to prolong. Therefore, there is no merits to allow this petition. Hence, this petition is dismissed.”

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 petitioners/accused have dragged on the proceedings. Therefore, this Court is not inclined to interfere with the order of the trial Court.



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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 Metropolitan Magistrate Fast Track Court-IV, George Town,
Chennai.



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A.D.JAGADISH CHANDIRA, J.

AT

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26.02.2026