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CRL OP No. 5209 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 5209 of 2026
and Crl.MP. No.3967 of 2026**

V.Prabakaran

..Petitioner(s)

Vs

M.Rajaram

..Respondent(s)

PRAYER: This Criminal Original Petition is filed under Section 528 of BNSS to set aside the order dated 07.01.2026 made in Crl.M.P. No.09 of 2025 in C.C. No.64 of 2019 on the file of the Judicial Magistrate Fast Track Court No.I, Coimbatore.

For Petitioner:

Mr.v.K.Vengadesh Durai Raja

ORDER

The Criminal Original Petition has been filed to set aside the order dated 07.01.2026 made in Crl.M.P. No.09 of 2025 in C.C. No.64 of 2019 on the file of the Judicial Magistrate, Fast Track Court No.I, Coimbatore.



2. The petitioner/accused in a case under Section 138 of the Negotiable Instruments Act, 1881, filed by the respondent in C.C. No.64 of 2019, had earlier filed Crl.M.P. No.9 of 2025 seeking extension of time to deposit the costs of Rs.3,000/- imposed in Crl.M.P. Nos.4920 and 4921 of 2025, by which the Trial Court had permitted the petitioner to recall P.W.1 on 20.06.2025. The said petition seeking extension of time was dismissed. Challenging the same, the present Criminal Original Petition has been filed.

3. The learned counsel for the petitioner contended that the case is still under trial and that the petitioner is facing prosecution under Section 138 of the Negotiable Instruments Act. It is submitted that the statutory provisions support the defence of the petitioner and that it is necessary for the petitioner to properly cross-examine P.W.1, failing which serious prejudice would be caused to the defence. Though the Trial Court had earlier permitted recall of P.W.1 on payment of costs, the petitioner could not deposit the said amount of Rs.3,000/- within the stipulated time. The petitioner is now ready to deposit the said amount.



CRL OP No. 5209 of 2026

4. Considering that the cost was originally imposed on 20.06.2025 and nearly nine months have elapsed, this Court is inclined to grant one more opportunity to the petitioner, subject to conditions. Accordingly, the petitioner is directed to pay a sum of Rs.6,000/- (Rupees Six Thousand only) to the complainant either directly or before the Trial Court on or before **16.03.2026.** Upon such compliance, P.W.1 shall be recalled, and the petitioner shall be permitted to cross-examine P.W.1. It is made clear that no further extension of time shall be granted, and if the petitioner fails to comply with the above condition within the stipulated time, the order passed by this Court shall stand automatically cancelled.

5. Accordingly, this Criminal Original Petition is ***allowed*** and the order passed by the Trial Court in CrI.M.P. No.9 of 2025 dated 07.01.2026 is hereby set aside with the above directions. Consequently, the connected Miscellaneous Petition is closed.

10-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RKP

Note: Issue order copy on 12.03.2026.



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CRL OP No. 5209 of 2026

M.NIRMAL KUMAR, J.

RKP

To

The Judicial Magistrate Fast Track Court No.I,
Coimbatore.

**CRL OP No. 5209 of 2026
and Crl.MP. No.3967 of 2026**

10-03-2026

Page4 of 4