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Crl.O.P.No.6209 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.6209 of 2026 and
Crl.M.P.No.4593 of 2026

R.Chandran, M/age 50 years,
S/o.V.Raj Devar,
Door No.316, Rainbow City,
Perunthozhuvu,
Tiruppur South Taluk,
Tiruppur District – 641 665.

... Petitioner

vs.

V.S.Radhakrishnan,
S/o.Late Subbiah Raj,
Door No.245/69, Gujji Main Road,
Anna Nagar East,
Chennai – 600 102.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to call for the records and to set aside the
order dated 18.02.2026 passed in Crl.M.P.No.732 of 2026 in S.T.C.No.2508
of 2023 pending on the file of the learned XXV Metropolitan Magistrate,
Egmore.

For Petitioner : Mr.D.Padmanabhan
For Respondent : Mr.R.Gopinath



ORDER

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The petitioner has filed a petition under Section 311 Cr.P.C. in Crl.M.P.No.732 of 2026 in S.T.C.No.2508 of 2023 before the learned XXV Metropolitan Magistrate, Egmore, Chennai (Trial Court) to recall PW1/complainant/respondent herein for cross examination by the petitioner. The Trial Court by impugned order dated 18.02.2026 dismissed the same. Against which the present Criminal Original Petition is filed.

2.Learned counsel for the petitioner submits that the petitioner and the respondent are relatives but they had no direct transaction. The respondent's employee one Velusamy entered into an agreement for sale of property and he acted as Agent for one Iyyasamy and Karthick. Since there was some misunderstanding with said Velusamy, the proposal for sale of land not completed. Taking advantage of being an employer of Velusamy, according to the petitioner, the respondent projected a false case. He further submitted that earlier the petitioner filed a petition under Section 91 Cr.P.C on 27.06.2025 for production of five documents in Crl.M.P.No.9112 of 2025 which was allowed, but the respondent was not present on the next hearing date on 03.07.2025 and 14.07.2025, thereafter, both parties were not present on 02.08.2025 and 20.08.2025. Later on 29.08.2025, the respondent was



present with five documents which were summoned by the Court.

Thereafter, for the absence of the petitioner, a bailable warrant issued which recalled on 15.09.2025, then the case adjourned to 07.10.2025, on that day despite the petitioner ready for cross examination, the respondent absent. Thereafter, recording as a last chance, no further adjournment would be granted, the case adjourned to 22.10.2025. Again on that day, the respondent was absent and the case adjourned to 27.10.2025. On 06.11.2025, the respondent was present. Since there was no representation for the petitioner, the evidence of PW1 closed on 18.11.2025. On 18.11.2025, a joint compromise memorandum filed by the petitioner and the respondent, but for some reason, it could not be completed. Now the petitioner has filed the petition under Section 311 Cr.P.C., to recall PW1 for further cross examination and to mark five documents which were already summoned, for the reason that the cheques were received by the respondent by force in the Police Station. Hence, the petitioner prays for one more opportunity to recall the respondent/PW1.

3.Learned counsel for the respondent strongly opposed the petitioner's submission stating that the petitioner received the amount from the respondent through respondent's bank account and he has proof of the same



and the bank statement already marked in Ambattur case. It is not the case of the petitioner that the respondent is not a person of wherewithal and he has got all resources to give amount to the petitioner. He further submits that the petitioner has been delaying the trial by filing one petition or other and protracting the case for the past four years. Hence, the petition to be dismissed.

4.Learned counsel for the petitioner submits that the case is posted before the trial Court on 13.03.2026, on that day, if the respondent appears with the five documents which already summoned by the Court, the petitioner would cross examine the respondent without seeking any adjournment. At this stage, learned counsel for the respondent submits that on 13.03.2026 the respondent will appear before the trial Court along with the five documents summoned by the Court.

5.In view of the above undertaking, this Court is inclined to give one more opportunity to the petitioner to cross examine the respondent/PW1 for the reason that the petitioner is facing prosecution under Section 138 of Negotiable Instruments Act, 1881 wherein the statutory presumption starred at him and it is his duty to probablize his defence.



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6. Accordingly, the impugned order dated 18.02.2026 in

Crl.M.P.No.732 of 2026 in S.T.C.No.2508 of 2023 passed by the learned XXV Metropolitan Magistrate, Egmore, Chennai is hereby set aside. The respondent/PW1/complainant is directed to appear before the trial Court on 13.03.2026 along with five documents summoned by the Court. On that day, the petitioner to cross examine the respondent/PW1/complainant without seeking any adjournment.

7. In the result, this Criminal Original Petition stands allowed.

Consequently, connected Criminal Miscellaneous Petition is closed.

11.03.2026

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
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Note: Issue Order Copy on 11.03.2026.

To

The XXV Metropolitan Magistrate,
Egmore.



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M.NIRMAL KUMAR, J.

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