



WEB COPY

CRL OP No. 7306 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP Nos. 7306, 7313 & 7315 of 2026
& CMP.Nos.5302, 5306 & 5308 of 2026**

G.Ramesh

..Petitioner(s)

Vs

L.Sivabalan

Rep. by Power Agent Mr.P.Umasankar,

..Respondent(s)

Common prayer: These Criminal Original Petitions are filed under Section 528 of BNSS, to set aside the orders dt. 20.02.2026 passed in CrI.M.P.Nos. 16693, 16694 & 16691/2025 in C.C.Nos. 1022, 1016 & 1021/2021 passed by the Learned Metropolitan Magistrate, XXV, Egmore, Chennai and thus render justice.

In all petitions:

For Petitioner(s): Mr.K.Vasanthanayagan

For Respondent(s): Mr.R.Sagadevan

COMMON ORDER

The petitioner/accused facing trial in the cases filed by the respondent under Section 138 of NI Act in CC.Nos.1022, 1016 & 1021 of 2021 had filed petitions under Section 311 of Cr.P.C., to recall PW1 and PW2 in each of the cases for the purpose of cross-examination in CrI.M.P.Nos.16693, 16694 &



16691 of 2025 and the trial Court by order dated 20.02.2026 dismissed the petitions, against which, the present petitions have been filed.

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2.The contention of the petitioner is that the petitioner was earlier arrested in TNPID case in the year 2021 and he had been in prison and during COVID-19 he was granted bail and thereafter, on the directions of the Supreme Court he surrendered on 03.06.2023. Later, the petitioner had filed a bail application before the Supreme Court and he was granted bail on 14.08.2025. After coming out of bail, he had filed petitions in all three cases to recall PW1 and PW2 for cross-examination. Further, the petitioner's questioning under Section 251 of Cr.P.C., was conducted when the petitioner was in prison and most of the period during trial, the petitioner was in prison and he had appeared only through virtual mode. He was unable to give appropriate instructions through a counsel as regards the present case as he was facing a much more serious TNPID case. The above facts have not been considered by the trial Court and it had dismissed the petitions stating that sufficient opportunities have been given to the petitioner for cross-examination of PW1 and PW2. Hence, the petitioner is before this Court with these Revisions.

3.The learned counsel for the respondent/complainant submitted that the petitioner has been citing the pendency of the TNPID case against him and dragging on the trial in these cases. The present cases have been taken on file in



the year 2021 and it is almost 5 years and now only the cases have reached the final stage. At the last moment, these petitions have been filed seeking to recall PW1 and PW2 for cross-examination.. The petitioner had earlier come out on bail and he had sufficient opportunity to cross-examine PW1 and PW2. Hence, he prayed for dismissal of the petitions.

4.Considered the facts and circumstances of the case and perused the materials available on record.

5.In view of the above facts and circumstances, this Court is of the view that the petitioner can be granted one more opportunity to cross-examine PW1 and PW2.

6.The learned counsel for the respondent/complainant would now submit that PW2 is a cardiologist and he has got heard surgeries pre-fixed and hence, fixing a specific date for cross-examination might cause disturbance in his schedule of surgeries. Hence, he may be given a flexy time for appearing before the trial Court for cross-examination.

7.In view of the submission made by the learned counsel for the respondent/complainant, the trial Court is directed to fix any date between 10.04.2026 and 20.04.2026 after enquiring with the petitioner and the



respondent, for cross-examination of PW1 and PW2 and the petitioner is directed to cross-examine PW1 and PW2 during the said period without seeking any adjournments. However, if the petitioner fails to examine PW1 and PW2 in the said period, the trial Court is directed to proceed with the cases and to pass orders on merits and in accordance with law.

8.All the Criminal Original Petitions are allowed on the above terms. Consequently, the connected miscellaneous petitions are closed.

24-03-2026

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

TSG

To

The Metropolitan Magistrate,
XXV, Egmore, Chennai.



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M.NIRMAL KUMAR, J.

TSG

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