



WEB COPY

CRL OP No. 8389 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 8389 of 2026

P.Ruthira Murthy

..Petitioner(s)

Vs

Mani

..Respondent(s)

Criminal Original Petition is filed under Section 528 of B.N.S.S., to set aside the order passed by the Fast Track Court, Poonamallee in C.M.P.Nos.3495 & 4289 of 2025 in S.T.C.No.351 of 2018 dated 16.02.2026 by dismissing the petition filed under Sections 348 and 277 of BNSS and to direct the trial Court to re-open the defence witness to recall the witness for further examination.

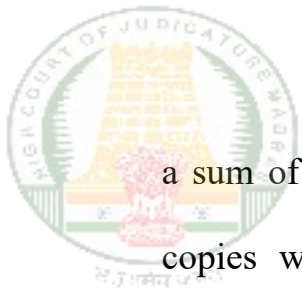
For Petitioner(s):

Mr.R.Sreedhar

ORDER

This Criminal Original Petition has been filed seeking for quashment of the common order dated 16.02.2026 made in C.M.P.Nos.3495 & 4289 of 2025 in S.T.C.No.351 of 2018 on the file of the Fast Track Court, Poonamallee.

2. The case of the petitioner is that the respondent/complainant has initiated a private complaint under Section 138 of the Negotiable Instruments Act before the Fast Track Court, Poonamallee, alleging dishonour of cheque for



a sum of Rs.30,00,000/-. Pursuant to the same, the petitioner was summoned, copies were furnished under Section 207 Cr.P.C., and the petitioner was questioned under Section 251 Cr.P.C. The matter was posted for trial and the respondent/complainant was examined as P.W.1 and documents were marked after a considerable delay of about 4 ½ years. Thereafter, the petitioner filed a petition under Section 145(1) of the Negotiable Instruments Act, which was allowed and the cross-examination of P.W.1 was completed after further delay attributable to the respondent. Subsequently, the respondent filed a petition under Section 311 Cr.P.C to recall himself for marking additional documents, which was later closed. The case was then posted for questioning under Section 313 Cr.P.C and thereafter for defence evidence. The petitioner filed a petition under Section 353 of BNSS along with a list of defence witnesses. However, as directed by the trial Court, the petitioner was constrained to file a separate petition under Sections 348 and 277 of BNSS for summoning defence witnesses. Though the witness details were already furnished in the earlier petition, subsequent petition did not reiterate the same in detail, which was neither willful nor wanton. It is the specific case of the petitioner that the trial Court without properly appreciating the facts and circumstances, dismissed the said petition on the ground of delay and absence of witness details, thereby denying the petitioner a fair opportunity to adduce defence evidence. The further case of the petitioner is that the examination of defence witnesses is crucial to establish the truth and to effectively rebut the allegations made by the



respondent. Non-examination of such witnesses would cause irreparable prejudice to the petitioner and defeat the ends of justice. Aggrieved by the dismissal order dated 16.02.2026 passed in the petition filed under Sections 348 and 277 of BNSS, the petitioner has preferred the present criminal original petition seeking to set aside the said order and to permit examination of defence witnesses, as the same is essential for a fair adjudication of the case.

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

4. Considering the submissions made and on perusal of the materials, it is seen that the respondent/complainant had already been examined as P.W.1 and was subjected to detailed cross-examination. Thereafter, the case progressed to the stage of questioning under Section 313 Cr.P.C., followed by defence evidence. It is seen that the petitioner/accused had examined himself as a defence witness and the cross-examination was completed. Subsequently, the defence side evidence was closed and the matter was posted for arguments. As such an advanced stage of the proceedings, the petitioner filed petitions seeking to recall and further examine defence witnesses. This Court notes that in one of the petitions, no list of defence witnesses had been furnished. Further, the petitioner, having already availed sufficient opportunity to adduce defence evidence, cannot be permitted to reopen the case and seek examination of



additional witnesses without proper justification. The conduct of the petitioner in filing such petitions at a belated stage, after closure of evidence and posting of the matter for arguments, appears to be an attempt to protract the proceedings. The trial Court, having considered all these aspects, has rightly exercised its discretion in dismissing the petitions. Accordingly, this Court finds no infirmity or illegality in the order passed by the learned trial Court warranting interference.

5. In the result, this Criminal Original Petition stands dismissed. The common order dated 16.02.2026 passed by the learned Judicial Magistrate, Fast Track Court, Poonamallee, in C.M.P.Nos.3495 and 4289 of 2025 is hereby confirmed.

06.04.2026

Index: Yes/No
VKR

To

1.The Judicial Magistrate, Fast Track Court, Poonamallee.



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M.NIRMAL KUMAR, J.

VKR

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