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CRL OP No. 7711 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 7711 of 2026

and

CRL MP No.5497 of 2026

S.Mathivanan

Petitioner(s)

Vs

P.R.Krishnamurthy
S/o late Raji@Vediyappa Counder
Alwar Iyer Street,
Palacode Town,
Palacode circle, Dharmapuri District.

Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNS, to set aside the order passed in Crl.M.P.No.64 of 2026 in STC No.121 of 2023 on the file of the Judicial Magistrate Court, Palacode, dated 10.03.2026 and consequently allow the petition filed under Section 311 Cr.P.C. for recall and reopening of the defense witness, and pass such further or other orders.

For Petitioner(s): Mr.S.C.Vishwanth

For Respondent(s): Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor

ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for respondent.



2. The petitioner, who is the accused facing trial under Section 138 of the Negotiable Instruments Act, 1881, on the complaint given by the respondent, has filed a petition to examine three additional witnesses on the defense side in Crl.M.P.No.64 of 2026 in S.T.C.No.121 of 2023. The said petition was dismissed by the learned Judicial Magistrate Court, Palacode. Aggrieved by the same, the present petition has been filed.

3. After hearing the arguments and upon perusal of the impugned order, it is seen that, in this case, the complainant was examined in chief on 20.02.2025, and the case was adjourned for cross examination on 27.02.2025, 06.08.2025 and 13.03.2025. However, the petitioner did not come forward for cross examination. Therefore, the complainant's side evidence was closed. At that juncture, the petitioner/accused filed Crl.M.P.No.205 of 2025, and in the interest of justice, the said petition was allowed, the complainant was recalled and was cross examined on 28.04.2025.

4. For the defense side witnesses, the case was periodically adjourned from 21.05.2025 to 06.08.2025 and on 13.08.2025, the accused examined himself as DW1. Thereafter, the Bank Manager, Indian Bank was examined on 05.11.2025 and for further defense witnesses, the case was adjourned to 19.11.2025, 27.11.2025, 03.12.2025 and 08.01.2026. However, on the said



dates, there was no further cross examination on the defense side, and hence the defense side evidence was closed.

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5. The arguments on the side of the complainant was heard and the case was posted for arguments on the side of the accused. At that stage, the petition has been filed, stating that there was some difficulty in e-filing the petition, which caused the delay.

6. The trial Court, in its order, has clearly narrated the sequence of events and has given a finding that the petitioner has filed the petition only to protract the proceedings. It also appears that sufficient opportunities were offered to the petitioner. However, no reasons were given as to why these witnesses needs to be examined.

7. In view of the above, this Court does not find any reason to interfere with the order passed by the trial Court. Accordingly, this Criminal Original Petition is dismissed.

26-03-2026

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



To

1. The Judicial Magistrate Court, Palacode.

2. The Public Prosecutor,
Madras High Court, Chennai.



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M.NIRMAL KUMAR J.
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