



WEB COPY

CRL OP No. 8639 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 8639 of 2026
and CRL.MP.No.6145 of 2026**

Sharmila Devi

..Petitioner(s)

Vs

Jayanthi

..Respondent(s)

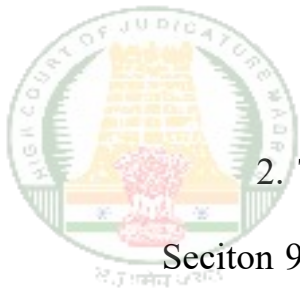
To set aside the order passed in Crl.MP.No.36 of 2026 dated 04-03-2026 in CC.No.5860 of 2021 pending on the file of the XIX Metropolitan Magistrate Court Egmore at Allikulam, at Chennai and to examine the same and to pass such other orders.

For Petitioner(s):

M/s.M.Manojkumar

ORDER

The petitioner, who is the accused in C.C.No.5860 of 2021, filed a petition in CRL.MP.No.36 of 2026 under Section 311 Cr.P.C. to recall PW1 for further cross-examination. The Trial Court, by order dated 04.03.2026, dismissed the said petition. Aggrieved by the same, the present petition has been filed.



2. The contention of the petitioner is that she had filed a petition under Section 91 Cr.P.C. seeking to direct the respondent/complainant to produce the promissory note, Bank statement account of the respondent and accounts note book before the Trial Court. Pursuant thereto, the respondent had produced the promissory note alone and other documents were not produced. It is further submitted that the respondent's husband filed a case in C.C.No.5861 of 2021 against the petitioner, which is pending before the same Court. Hence, to confront these aspects, she needs to recall PW1.

3. Considering the submissions and perusal of materials it is seen that PW1 was examined on 20.01.2023, and marked four documents as Exs.P1 to P4 and the evidence was closed on 24.12.2025. Thereafter, the petitioner filed a petition under Section 91 Cr.P.C., which was allowed and the promissory note was produced. It is also noted that the petitioner had already cross-examined the witness on two occasions. Now, it is the third petition for the purpose of questioning with regard to the documents, which were not produced and also with regard to the other case, which is pending against her in C.C.No.5861 of 2021 before the same Court.

4. The Trial Court rightly observed that the case is at the stage of arguments and the present petition has been filed only to protract the proceedings. The Section 91 Cr.P.C. proceedings had been complied with as



early as on 16.06.2025. The case was posted for arguments initially on 02.05.2023 and thereafter, the petitioner has been filing one petition after another and thereby, protracting the proceedings.

5. In view of the above circumstances, this Court finds no merit in the present petition and sees no reason to entertain the same at this stage. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

07-04-2026

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

PVS

To
The XIX Metropolitan Magistrate Court Egmore at Allikulam,
Chennai



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M.NIRMAL KUMAR, J.

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