



WEB COPY

CRL OP No. 7924 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

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THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 7924 of 2026

and

Crl.M.P.No.5634 of 2026

P.Ramji

..Petitioner(s)

Vs

Mohanasundaram

..Respondent(s)

Prayer: This criminal original petition has been filed under Section 482 of Cr.P.C/528 of BNSS, calling for the records pertaining to Crl.M.P.No.2103 of 2025 in S.T.C.No. 1217 of 2021 to set aside the order dated 19.02.2026 passed by the learned Judicial Magistrate No.I, Tambaram and consequently, allow the petitioner's application under Section 348 of BNSS filed for recalling PW1 for further cross-examination, on such terms and conditions.

For Petitioner(s):

Mr.T.Elumalai

ORDER

This Criminal Original petition has been filed by the petitioner seeking to quash the order dated 19.02.2026 passed in Crl.M.P.No.2103 of 2025 in S.T.C.No.1217 of 2021 on the file of the Judicial Magistrate No.I, Tambaram.

2. The petitioner is accused in S.T.C.No.1217 of 2021. The respondent/complainant filed S.T.C.No.1217 of 2021 against the petitioner for



the offence under Section 138 of the Negotiable Instruments Act, 1881. During trial, the complainant was examined as P.W.1 and his chief examination and cross examination were completed on 30.06.2023.

3. The accused filed Crl.M.P.No.2103 of 2025, seeking recalling of P.W.1 alleging that during cross examination of P.W.1 certain facts have not been established by the accused for want of certain documents which were not in possession at the time of cross examination. In order to prove his innocence and for the purpose of effective defense, it is just and necessary to recall P.W.1 for cross examination for eliciting necessary facts.

4. The trial Court had dismissed Crl.M.P.No.2103 of 2025 holding that the accused has failed to demonstrate how recalling P.W.1 is essential for just decision of the case and also the petition lacks bona fide.

5. The learned counsel for the petitioner/accused submitted that in order to effectively exercise his right to defence and to confront P.W.1 with vital documents which were not in existence at the time of cross examination of P.W.1, it is necessary that P.W.1 has to be recalled for further cross examination. The trial Court has not properly appreciated the case of the accused and had simply dismissed the petition. He would submit that recall of P.W.1 is essential to just decision of the case. If P.W.1 is not recalled, it would



end in gross miscarriage of justice. Hence, he prayed for setting aside the order passed by the trial Court and allow Crl.M.P.No.2103 of 2025 filed by the accused/petitioner.

6. Heard the learned counsel for the petitioner and also perused the materials available on record.

7. In view of the above submissions made by the learned counsel for the petitioner and upon consideration of the facts and circumstances of the case, this Court finds no reason to interfere with the order of the trial Court. However, liberty is granted to the petitioner, if he intends to examine himself by getting into the witness box, and he may also mark the documents in his possession, if required. The said exercise shall be completed, within a period of two weeks from the date of receipt of a copy of this order.

8. With the above observations and direction, this Criminal Original Petition is disposed of.

30-03-2026

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

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To

1. The Judicial Magistrate No.I, Tambaram.
2. The Public Prosecutor,
Madras High Court, Chennai.



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M.NIRMAL KUMAR, J.

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