



WEB COPY

CRL OP No. 9348 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 9348 of 2026

AND

CRL MP NO. 6608 OF 2026

Sivakumar

Sole Proprietor, M/s.Flag Knits, No.5/68,
M.G.R.Nagar, Thirumuruganpoondi,
Avinashi, Tiruppur - 641652.

Petitioner(s)

Vs

Sri Mookambika Impex
Rep. by its Partner/ Power Agent Kokila,
No.8B, Ground Floor, R.Chettithottam,
T.V.K.Nagar Extension,
Tiruppur - 641 602.

Respondent(s)

CRL MP No. 6608 of 2026

1. Sivakumar

Sole Proprietor, M/s.Flag Knits, No.5/68,
M.G.R.Nagar, Thirumuruganpoondi,
Avinashi - 641652.

Petitioner(s)

Vs

1. Sri Mookambika Impex
Rep. by its Partner/ Power Agent Kokila,
No.8B, Ground Floor, R.Chettithottam,
T.V.K.Nagar Extension, Tiruppur - 641
602.

Respondent(s)



PRAYER: Criminal Original Petition filed under Section 528 of BNSS, 2023 praying to call for the records relating to the Impugned Order dated 23.01.2026 passed in CrI.M.P.No.02 of 2025 in S.T.C.No.3227 of 2023 on the file of the Chief Judicial Magistrate (Fast Track) Court, Tiruppur and set-aside the same.

For Petitioner(s): Mr.K.Govi Ganesan

For Respondent(s):

ORDER

The petitioner/accused, who is facing trial in S.T.C.No.3227 of 2025 filed a petition before the trial Court under Section 311 of Cr.P.C. seeking to recall PW1 for the reason that the petitioner came in possession of some documents which has to be cross-examined to PW1. The trial Court not considered the same and dismissed the petition by order dated 23.01.2026. Hence the present petition is filed.

2.The contention of the learned counsel for petitioner is that the respondent/complainant in her cross-examination admits that it is her husband who was having some transaction with the petitioner and she is not aware about the payments made to her husband, which form part of the cheque which is in dispute in the present case. Hence to putforth this document he needs to recall PW1 and to further cross examine her.

3.On perusal of the records and impugned order, it is seen that in this case PW1 examined in chief on 23.09.2024 and thereafter cross examination conducted



in part initially on 24.06.2025. A lengthy cross examination conducted and it runs to 6 pages. It is seen that Chief Examination done in the year 2024, cross examination in the year 2025 and now recall order passed in the year 2026. Further the petitioner is unable to produce any document to show that what is the part payment made and how it is recorded. Except for a suggestion and questioning in the cross examination there is no other document produced, which would have entitled the petitioner to recall PW1. Hence, the trial Court order needs no interference.

4.The learned counsel for petitioner submitted that the case is posted before the trial Court on 04.05.2026 for defence side evidence. On that day, the petitioner to file a petition to examine defence witnesses to putforth his case, including examination of the petitioner as defence witness if so desired. If such petition is filed, the trial Court is directed to permit the petitioner to examine the witnesses and produce documents.

5.With the above observations, the Criminal Original Petition stands dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

15-04-2026

Index:Yes/No
Speaking/Non-speaking order
Neutral Citation:Yes/No
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M.NIRMAL KUMAR, J.

rsi

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