



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP Nos. 9520 & 9522 of 2026

and

CRL MP Nos.6744 & 6746 of 2026

S.Manomohan

Petitioner in both petitions

Vs

M.Ranjithkumar

Respondent in both
petition

PRAYER in CRL OP No. 9520 of 2026: Criminal Original Petition filed under Section 528 of BNSS, to call for the records in Crl.MP.No.06 of 2026 in STC.No.05 of 2023 dated 18.03.2026 passed by the learned District Munsif Cum Judicial Magistrate, Madathukulam and to set aside the same and thus render justice.

PRAYER in CRL OP No. 9522 of 2026: Criminal Original Petition filed under Section 528 of BNSS, to call for the records in Crl.MP.No.05 of 2026 in STC.No.05 of 2023 dated 18.03.2026 passed by the learned District Munsif Cum Judicial Magistrate, Madathukulam and to set aside the same and thus render justice.

For Petitioner(s): Mr.K.T.S.Sivakumar



COMMON ORDER

Since the issue involved and the relief sought in both these petitions are identical in nature, they were heard together and are decided vide this common order.

2. The petitioner, who is the accused in S.T.C.No.05 of 2023, is facing trial for the alleged offence under Section 138 of NI Act r/w 200 of Cr.P.C. The petitioner has filed two petitions viz., Crl.M.P.Nos.05 of 2026, seeking to recall PW1 for cross examination and Crl.M.P.No.06 of 2026 to reopen the case for adducing defence side evidence. The trial Court, by order dated 18.03.2026, dismissed the said petitions. Against which, the petitioner has filed the present petitions.

3. The contention of the petitioner is that, earlier the petitioner had cross examined P.W.1. While cross-examining PW1, some vital questions have not been asked. It is further contended that out of the two cheques allegedly issued, only one cheque was presented and the other cheque was not presented. In order to demonstrate that the complainant has suppressed and withheld vital facts and to draw adverse inference, it is necessary to recall P.W.1 and to further cross-examine the complainant.



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

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5. On perusal of the impugned orders, it is seen that the case was instituted in the year 2023. The complainant was examined, but at the time, he was not cross examined as PW1. Since P.W.1 was not cross examined by the side of the petitioner, the evidence was closed on the side of the complainant. After several adjournments viz., 28.11.2023, 06.12.2023, 03.01.2024, 22.01.2024 and on 07.02.2024, the petitioner had filed petition to recall PW1, which was allowed on 18.09.2025 and PW1 was partly cross examined and after several hearings, the cross examination of P.W.1 was completed on 20.01.2026. Thereafter, the petitioner was examined under Section 313 Cr.P.C. The case was then posted for arguments and finally for judgment on 19.02.2026. At that stage, the criminal miscellaneous petitions viz., CrI.M.P.No.05 & 06 of 2026 were filed on 16.02.2026, only with an intention to protract the proceedings.

6. In such circumstances, this Court is of the view that the trial Court was right in dismissing the criminal miscellaneous petitions, and there is no reason to interfere with the orders passed by the trial Court.



7. Accordingly, these Criminal Original Petitions are dismissed.

Consequently, connected Miscellaneous Petitions are closed.

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Jd

Neutral Citation: Yes/No

To

1. The Learned District Munsif Cum Judicial Magistrate,
Madathukulam.

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



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M.NIRMAL KUMAR J.
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