



WEB COPY

CRL OP No. 10874 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 10874 of 2026

CrI.M.P.No.7692 of 2026

K.Anand

..Petitioner(s)

Vs

Chandran

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 528 of BNSS Act, 2023, pleaded to set aside order dated 06.04.2026 made in CrI.M.P.No.8 of 2026 in STC.No.354 of 2024, on the file of Judicial Magistrate Court No.I, Bhavani by allowing this Petition.

For Petitioner(s):

Mr.R.Prabakar

ORDER

The respondent / complainant instituted proceedings against the petitioner under Section 138 of the Negotiable Instruments Act, in S.T.C.No.354 of 2024. The petitioner filed an application under Section 311 of Cr.P.C. in M.P.No.08 of 2026. By an order dated 06.04.2026, the trial Court dismissed the said application. Aggrieved by this dismissal, the petitioner has filed the present petition.

2.The contention of the petitioner is that the petitioner P.W.1 / complainant has not yet been cross-examined. Previously, a petition in M.P.No.7 of 2026 was filed, and on 17.11.2025, the trial Court allowed the



petition directing the petitioner to recall and cross examine P.W.1 on payment of cost of Rs.1000/- to the District Legal Services Authority, Bhavani, on or before 09.12.2025. Subsequently, due to non-payment of the said costs, the case was periodically adjourned, and finally on 03.01.2026, the petition was dismissed. The learned counsel submitted that during the relevant period there was a boycott of Court protesting against compulsory e-filing; Consequently, the petitioner lost sight of the deadline and was unable to remit the costs. The petitioner is now ready and willing to pay the costs and seeks permission to cross-examine the witness. Further, statutory presumption is against the petitioner, to putforth a proper defence, he has to necessarily cross examine P.W.1 / defacto-complainant.

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

4.It is seen that respondent / complainant is prosecuting a private complaint and has been appearing regularly before the trial Court. While the trial Court had previously granted the petitioner an opportunity to cross-examine P.W.1 in M.P.No.7 of 2026 on payment of costs, the petitioner failed to comply leading to dismissal of that plea. However, the reason given by the petitioner that Court boycott regarding compulsory e-filing appears reasonable. In view of this, this Court is inclined to set aside the order passed by the learned



Judicial Magistrate Court No.I, Bhavani, in Crl.M.P.No.8 of 2026 in
STC.No.354 of 2024, dated 06.04.2026.

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5.The trial Court is directed to recall P.W.1 and permit the petitioner to conduct the cross-examination, as the veracity of a witness can only be tested through cross-examination and it would be beneficial for the trial Court to arrive at a just decision. Accordingly, the petitioner is directed to pay a cost of Rs.2000/- to the District Legal Services Authority, Bhavani. The cross-examination of P.W.1 shall proceed on the scheduled date without any further delay.

6.Accordingly, the Criminal Original Petition is allowed. Consequently, connected Criminal Miscellaneous Petition is closed.

28-04-2026

ep

To:-
The Judicial Magistrate No.I,
Bhavani.



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M.NIRMAL KUMAR, J.

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