



Crl.O.P.Nos.15277 and 15294 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 18.06.2026

CORAM :

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.15277 and 15294 of 2026
and Crl.M.P.Nos.9943 and 9970 of 2026

D.Kamalahasan

.. Petitioner
(in both the cases)

Versus

K.Jayaprakash

.. Respondent
(in both the cases)

Prayer in Crl.O.P.No.15277 of 2026 : Criminal Original Petition filed under Section 528 of BNSS, to set aside the impugned order of dismissal in Crl.M.P.No.772 of 2026 in S.T.C.No.508 of 2019, dated 08.06.2026 passed by the learned Judicial Magistrate, Sriperumbudur.

Prayer in Crl.O.P.No.15294 of 2026 : Criminal Original Petition filed under Section 528 of BNSS, to set aside the impugned order of dismissal in Crl.M.P.No.771 of 2026 in S.T.C.No.509 of 2019, dated 08.06.2026 passed by the learned Judicial Magistrate, Sriperumbudur.

For Petitioner : Mr.G.Balamanikandan



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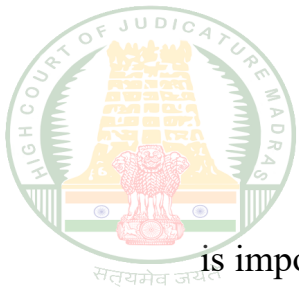
COMMON ORDER

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The petitioner/accused, facing trial in S.T.C.Nos.508 and 509 of 2019, filed a petition under Section 311 of Cr.P.C., to recall P.W.1 for cross-examination in Crl.M.P.Nos.771 and 772 of 2026. The Trial Court, by the order, dated 08.06.2026, dismissed the same. Against which, the present Criminal Original Petitions are filed.

2. On the submissions made by the learned Counsel for the petitioner and perusal of the materials, it is seen that the cases are pending from the year 2019 and already, 75 hearings have passed by. The petitioner had not so far cross-examined P.W.1 and citing one reason or other, he had been delaying and protracting the trial. The Trial Court, finding that the petitioner has got no bonafide to cross-examine P.W.1 and had been filing one petition or the other just to protract the same, had dismissed the petitions under Section 311 of Cr.P.C.

3. The learned Counsel for the petitioner submitted that in this case, P.W.1 had so far not cross-examined once and further, there is a statutory presumption against the petitioner in a case under Section 138 of the Negotiable Instruments Act, 1881. Hence, to probablise his defence, it



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is important for him to cross-examine P.W.1.

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4. It is seen that the evidence was closed on 25.07.2025 and N.B.W was issued on 07.08.2025 and thereafter, the petitioner had appeared on 07.02.2026. He was questioned under Section 313 of Cr.P.C., and again remained absent on 26.02.2026, 27.03.2026, 10.04.2026 and the defence evidence was closed on 10.04.2026 and the case is now posted for arguments. The learned Counsel for the petitioner submitted that to show his bonafide, he is ready to deposit 10% of the cheque amount of Rs.9,95,000/- i.e., he would deposit Rs.1,00,000/- to the credit of S.T.C.No.508 of 2019; 10% of the cheque amount of Rs.21,60,000/- i.e., he would deposit Rs.2,16,000/- to the credit of S.T.C.No.509 of 2019, within a period of two weeks. On the condition that the petitioner deposits the above said amounts, the recall petitions are allowed.

5. In view of the above, the impugned orders, dated 08.06.2026, are set aside. The Trial Court is directed to recall P.W.1 for cross-examination. The said amounts shall be kept in fixed deposit and the amount can be disbursed subject to the outcome of the trial in both the cases.



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6. Accordingly, these Criminal Original Petitions are allowed.

Consequently, connected miscellaneous petitions are closed.

18.06.2026

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

The Judicial Magistrate,
Sriperumbudur.



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M.NIRMAL KUMAR, J.

grs

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