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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL RC Nos. 2525 & 2527 of 2025
and Crl MP Nos. 22425 & 22427 of 2025**

M/s.RRB Housing Private Limited
Rep. by its Director,
N.Padmanabhan, S/o.Nataraj Pillai,
Having Office at 12/6, Achutha Nagar,
1st Street, Ekkattuthangal, Chennai - 600 032.

..Petitioner(s) in both
Crl.R.Cs

Vs.

E.Velu, S/o.P.Eganathan,
Rep. by its Power Agent Mr.R.Bhuva Raghavan,
S/o.M.Rajamanickam,
No.2/4, Padmavathi Nagar,
3rd Street, Porur, Chennai -600 116.

..Respondent(s) in both
Crl.R.Cs.

Common Prayer : These cases have been filed under Section 397 of CrPC and 438 of BNSS Act, to set aside the common order dated 06.11.2025 passed by the Learned XXVII Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.Nos. 11 and 12 of 2025 in C.C.No. 155/2017 and pass such further or other reliefs as this Hon'ble Court may deem fit and proper.

For Petitioner(s):
(in both Crl.R.Cs)

Mr. H.Mohamed Rafi

For Respondent(s):
in both Crl.R.Cs

Mr. P.G.Thiyagu



COMMON ORDER

These Revision challenges the dismissal of the petitioner's applications seeking for reopening evidence and recalling PW1 for the purpose of cross-examination.

2. The petitioner is facing prosecution for the offence under Section 138 of the Negotiable Instrument Act. The petitions filed by the petitioner under Section 311 Criminal Procedure Code were dismissed by the impugned order on the ground that the petitioner had cross-examined PW1 and petition to recall is the fourth application. The learned Magistrate also observed that PW1 was the power agent of the *defacto* complainant, and that the power of attorney has been revoked and the complainant is pursuing the complaint on his own.

3. The learned counsel for the petitioner would submit that the impugned common order is liable to be set aside, in view of the change in circumstances inasmuch as the complainant is pursuing the complaint on his own, as the power agent has no personal knowledge of the transaction.

4. The learned counsel for the respondent would submit that the impugned order is justified as the petition has been filed only to delay the proceedings; and that the respondent does not intend to examine himself and therefore, the impugned order is justified.



5. It is seen that admittedly, the petitioner had opportunity to cross-examine PW1, and in fact, cross-examined PW1. The instant petition is the fourth petition filed by the petitioner for recall of PW1. Therefore, this Court finds no infirmity in the order passed by the learned Magistrate.

6. However, it is now reported that PW1 who was the Power of Attorney is no longer representing the complainant, and that the complainant himself is now prosecuting the complaint.

7. It is needless to say that if the petitioner seeks to examine any other witness, learned Magistrate may consider the same on its own merit.

8. The petitioner however seeks liberty to call the complainant or the witness. The petitioner cannot compel the complainant to be his witness. If it is the case of the petitioner that the power agent is unaware of the transaction and the complainant had not examined himself, it is needless to say that the petitioner can raise the said point in the trial.

9. With the above observation, these criminal revision petitions are disposed of.

11-02-2026

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



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To

The XXVII Metropolitan Magistrate,
Saidapet, Chennai.

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SUNDER MOHAN, J.

Maya

CRL RC Nos. 2525 & 2527 of 2025

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