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Crl.O.P.No.33957 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.33957 of 2025
and Crl.M.P.No.23731 of 2025

M.Shabeer Ahamed

... Petitioner

Vs.

Dinesh Kumar Bothra

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to set aside the order dated 22.09.2025, made in Crl.M.P.No.6057 of 2025 in S.T.C.No.1274 of 2023 on the file of the Metropolitan Magistrate FTC -IV, George Town, Chennai.

For Petitioner : Mr.S.Indrajith

ORDER

The present Criminal Original Petition has been filed seeking to set aside the order passed by the Metropolitan Magistrate FTC -IV, George Town, Chennai, in Crl.M.P.No.6057 of 2025 in S.T.C.No.1274 of 2023, dated 22.09.2025.



Crl.O.P.No.33957 of 2025

WEB COPY

2. The petitioner is an accused facing trial under Section 138 of the Negotiable Instruments Act, 1881, in S.T.C.No.1274 of 2023, on the file of the Metropolitan Magistrate Court (FTC -IV), George Town, Chennai. In the said case, the petitioner filed a petition in Crl.M.P.No.6057 of 2025 to reopen the defence evidence to examine himself as defence side witness. The trial Court, vide order dated 22.09.2025, dismissed the said petition stating that it had been filed without any valid reason and only to drag on the proceedings. Aggrieved by the same, the present petition has been filed.

3. Learned counsel appearing for the petitioner submitted that trial Court failed to take into consideration the change in circumstances, namely the change of vakalat after the closure of the defence on 22.01.2025. He also submitted that even after the closure of the defence evidence, the petitioner had recalled PW1 and cross-examined him on 19.03.2025 pursuant to the direction of the trial Court. However, the trial Court, without considering the same, dismissed the petition. Hence, he prayed to set aside the order dated 22.09.2025.

4. Having heard the learned counsel appearing on either side and upon perusal of the materials available on records, this Court finds that the



Crl.O.P.No.33957 of 2025

case is of the year 2023, the defence evidence was closed on 22.01.2025 and that when the case was posted for arguments, the petitioner came up the petition seeking to reopen the defence evidence. Therefore, the trial Court, finding that despite several adjournments having been granted, the petitioner, instead of advancing arguments, filed the petition only to protract the proceedings, rightly dismissed the petition. This Court finds no illegality or infirmity in the order passed by the trial Court.

5. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petition is closed.

02.02.2026

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Neutral Citation: Yes/No

To

The Metropolitan Magistrate FTC -IV,
George Town, Chennai.



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Crl.O.P.No.33957 of 2025

A.D.JAGADISH CHANDIRA, J.

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