



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.06.2026

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.9488 of 2026

and

Crl.M.P.(MD)No.9897 of 2026

1. M/s.M.Janani Traders,
Through its authorised signatory M.Mariappan.

2. M.Mariappan,
Authorised Signatory,
M/s.M.Janani Traders,
(Sivakasi Town Police Station limit)

...Petitioners

Vs

Thangavadivelmurugan

...Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to set aside the impugned order dated 07.05.2026 passed in Crl.MP.No. 272/2026 in CC.No.286/2019 on the file of the learned Judicial Magistrate, Rajapalayam and consequently, direct to recall and to grant an opportunity to cross examine P.W.1.

For Petitioners : M/s.R.Jagadeeshwaran

For Respondent : Mr.M.Mathankarthick



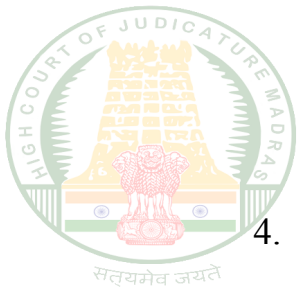
ORDER

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The present petition has been filed by the accused persons in C.C. No.286 of 2019, on the file of Judicial Magistrate, Rajapalayam, seeking to set aside the order passed by the trial Court, wherein the request of the petitioner to recall P.W.1 for cross examination has been rejected.

2. A perusal of the records reveal that the petitioners are the accused in the above said criminal case which has arisen out of a complaint under Section 138 r/w Section 142 of Negotiable Instruments Act.

3. The case was listed for cross examination of P.W.1 on 24.11.2021 and he was not cross examined. The case was reopened at the request of the petitioners herein. A second petition was filed in the year 2022 and the same was allowed, but P.W.1 was not cross-examined. The present application is a third petition seeking recall of P.W.1 for the purpose of cross examination. The trial Court after considering the attitude of the petitioner, had dismissed the petition specifically on the ground that despite providing two opportunities, the petitioner has not chosen to cross examine P.W.1. Challenging the same, the present petition has been filed.



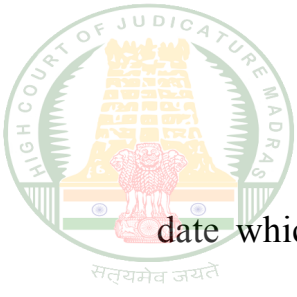
4. The learned Counsel appearing for the petitioners submits that the complainant does not have any objection, whatsoever, for recalling himself.

Therefore, this Court had ordered notice to the complainant.

5. The learned Counsel appearing for the respondent/complainant submitted that though he had no objection for recalling himself for the purpose of cross examination, he submits that for the last two occasions, the order of recall was not utilised by the petitioner herein and he was harassed by the petitioners. He further submits that the application would be allowed imposing strict conditions and on imposition of heavy cost.

6. I have considered the submissions made on either side and perused the materials available on record.

7. Considering the fact that the case is arisen out of a private complaint in the cheque bounce case and the complainant does not have any objection for recalling himself for cross examination, this Court is inclined to allow the present petition. The petitioner is directed to file a batta within a period of three days from the date of receipt of a copy of this order. The petitioner is also directed to complete the cross examination of the defacto complainant on the



date which he appears. It is made clear that no further opportunity shall be granted to the petitioners herein for cross examination of P.W.1.

8. Accordingly, this Criminal Original Petition stands allowed on payment of Rs.5,000/-(Rupees Five Thousand only) to the learned Counsel appearing for the respondent **on or before 15.06.2026**. Consequently, connected miscellaneous petition is also closed.

9. Post on **16.06.2026**, for reporting compliance.

08.06.2026
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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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To

The learned Judicial Magistrate,
Rajapalayam.



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R.VIJAYAKUMAR, J.

RJR

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