



Crl.O.P.No.16329 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 20.07.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.16329 of 2026
and Crl.M.P.No.10760 of 2026

S.Muruganandan

.. Petitioner

Versus

P.L.Rameshbabu

.. Respondent

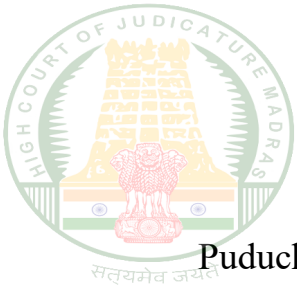
Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to set aside the order, dated 21.04.2026 passed in C.M.P.No.5 of 2026 in S.T.C.No.492 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court (N.I. Act Cases), Puducherry.

For Petitioner : Mr.Abudu Kumar Rajaratinam,
Senior Counsel,
for Mr.D.Padmanabhan

For Respondent : No Appearance

ORDER

This Criminal Original Petition is filed challenging the order, dated 21.04.2026 made in Crl.M.P.No.5 of 2026 in S.T.C.No.492 of 2017 before the learned Judicial Magistrate, Fast Track Court (N.I. Act Cases),



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Puducherry. By the said order, the application filed in Crl.M.P.No.5 of 2026 to summon witnesses namely, the Income Tax Officer, Ward 2, Office of the Income Tax Department, Puducherry and the Manager of Manshore Holiday Home Resort Management, was dismissed by the Trial Court.

2. The learned Senior Counsel for the petitioner would submit that the above case is a private complaint complaining an offence under Section 138 of the Negotiable Instruments Act, 1881. It is the specific case of the complainant that on 07.02.2016, the accused and his wife went together to the complainant's house at Puducherry and borrowed a sum of Rs.25,00,000/- in the presence of one Govindaraj, son of Kangaraj of Pillaithotam, Puducherry. It is the defence of the accused that on the said date, he was staying in the above holiday home and could not have been present at Puducherry. Already, when the accused examined himself as a defence witness, he has said so and the receipt for his stay was also marked. Over and above the same, the accused wants to examine the Manager of the said resort in order to prove the said fact.

3. The Trial Court, after considering the application, had



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dismissed the same on the ground that when *P.W.1* is in the box that alibi was not put to *P.W.1* and therefore, it cannot be raised at later stage. The learned Senior Counsel for the petitioner would submit that it is the case of the accused that the questions as to whether he know the complainant or not and whether his case is being misused or not, were not directly put to the complainant. In any event, at the earliest possible time, when *D.W.1* was in the box, the same is taken.

4. Even though the petition before the Trial Court was also to summon the Income Tax Officer, Ward 2, Office of the Income Tax Department, Puducherry, arguments were made only with reference to the Manager of Manshore Holiday Home Resort Management. Therefore, dismissal of the petition, inasmuch as the Income Tax Officer is concerned, is not interfered with.

5. Considering the said submissions made and considering the fact that even though notice is served on the respondent/complainant, he has not chosen to appear before this Court and contest the prayer made by the petitioner, this Criminal Original Petition is partly allowed on the following terms:-



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(i) The order, dated 21.04.2026 made in Crl.M.P.No.5 of 2026 in

S.T.C.No.492 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court (N.I. Act Cases), Puducherry shall stand set aside to the extent it relates to the Manager of Manshore Holiday Home Resort Management;

(ii) Upon the petitioner making necessary charges, due summons shall be issued to the Manager of Manshore Holiday Home Resort Management. As and when the witness is present, the petitioner shall examine the witness on the same day and co-operate for the early completion of the trial and proceedings.

(iii) Consequently, connected miscellaneous petition is closed.

20.07.2026

Neutral Citation : no
grs

To

The Judicial Magistrate,
Fast Track Court (N.I. Act Cases), Puducherry.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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