



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 16270 of 2026

and

Crl.M.P.No. 10721 of 2026

M/s. Revanza Leasing Private Limited
Rep by its Director Arthi Lalwani (aged 45 years)
Having Office at No.23, EVR PH High Road,
Periamet, Chennai-600 003.
Also at Svalar Square, 3rd Floor,
No.15, North Phase Developed Plaots,
Guindy Industrial Estate, Chennai-600 032.

Now Represented by Present Director,
Mr. Siddharth Ramesh Kumar Jain, aged 27 years
No.23, EVR PH High Road,
Periamet, Chennai 600 003.

..Petitioner(s)

Vs

M/s. Smart Marine Services Private Limited
Rep. by Its Legal Executive,
Mrs. S. Dharani Nagaraani,
No.3-B3 Gaiety Palace,
Door No.1/L, Blackers Road,
Chennai-600 002.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 552 of BNSS, to set aside the return Docket order dated 10-6-2026 in Crl M.P. No.unnumbered of 2026 in STC /P.C. No.4097 of 2025 on the file of the Honorable XXV Metropolitan Magistrate, Egmore, Chennai and direct the Trial Court to number the case and pass orders on merits in the above said U/s 348 of BNSS Petition and to pass further or other orders may deem fit in the circumstances and thus render justice.



For Petitioner(s): Mr.G.Prabhakar

For Respondent(s): Mr.C.Kasirajan

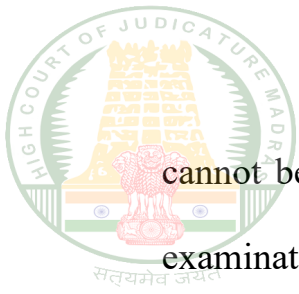
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ORDER

The Criminal Original Petition is filed to set aside the docket order dated 10.06.2026 passed in Crl.M.P.No. Unnumbered of 2026 in STC No. 4097 of 2025.

2. The STC No.4097 of 2025 is a private complaint filed by the respondent, complaining an offence under Section 138 of the Negotiable Instruments Act. The application is filed to issue summons through the three witnesses mentioned in the application to be examined on behalf of the defence side. The Trial Court even though made a return endorsement but, however, pronounced on the merits of the prayer and returned the case. Therefore, the petitioner has straight away approached this Court on the order that is made on the docket.

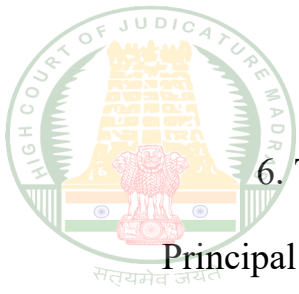
3. Upon perusal of the petition and hearing the learned counsel for the petitioner, it is seen that the prayer is made to issue summons to three persons. Firstly, one Raja Srinivasan is sought to be examined. From the examination of the parties, it can be seen that there is allegation that the cheque was entrusted to the said Raja Srinivasan and there is also counter allegation. In view thereof, it



cannot be said that the said Raja Srinivasan is totally unconnected or that his examination is totally unnecessary. In view thereof, when at the defence stage, especially considering the fact that the complainant's case is of advancing a sum of Rs.1,00,00,000/- by cash and the accused want to establish her case, the examination of the said Raja Srinivasan as a defence witness can be permitted.

4. The second witness that is prayed is the Registrar of Ministry of Corporate Affairs. The learned counsel submits that the Memorandum Article of Association does not permit the petitioner Company to advance the loan and their field of business is different. Secondly, the said loan is not also properly reflected in the balance sheet. Even assuming the same, already, the accused has questioned the complainant witness stating that it is not there in the Memorandum of Articles of Association and, with reference to the balance sheet also it is already marked and questions are made and answers are given.

5. In view thereof, no purpose will be served by summoning the Registrar, Ministry of Corporate Affairs, who is only an Official, maintaining the records. Every records, whatever relating to the Company including the balance sheet or the Articles of Association can be obtained by way of a certified copy and can be put across to the other witnesses. Therefore, the prayer in that regard stands rejected.



6. The 3rd witness that is sought to be summoned is the Assessing Officer, Principal Chief Commissioner of Income Tax. The learned counsel himself would point out about the balance sheet and the amount being mentioned or not mentioned. When the complainant witnesses have already been cross-examined, whether they have paid income tax amount or not, it is for the petitioner to demonstrate before the Court with the available arguments and to make such arguments relating to adverse inference. The Assessing Officer need not be examined for the said purpose.

7. In view of the same, I am of the view that the prayer of the petitioner with reference to one witness requires acceptance. The learned counsel for the respondent would even object to the said prayer and submit that this is nothing but protracting of the proceedings. He would submit that even if permission is granted, specific time limit should be fixed.

8. The learned counsel would submit that the said witness can be summoned as the next witness after the cross-examination of DW1, which is in progress. In view of the same, this Criminal Original Petition is ordered on the following terms:

i) Crl.M.P.No. Unnumbered of 2026 in STC.No. 4097 of 2025 is partly allowed, the reason mentioned in the return order that it is for the accused to establish her case and that she cannot pray that the Court to summon the witness



cannot be sustained and it is only to establish her case by way of defence witness.

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ii) The application stands allowed in as much as the prayer made with reference to summoning of Mr.Raja Srinivasan is concerned and, stands dismissed with reference to summoning of the Registrar, Ministry of Corporate Affairs and the Assessing Officer, Principal Commissioner of Income Tax, Chennai.

iii) Upon completion of the cross-examination of DW1, upon payment of the due charges by the petitioner, the Trial Court shall issue due summons to the other witness, Raja Srinivasan.

iv) The accused shall examine the said person on the same day of appearance and it will be open for the complainant to cross- examine on the same day or, if not possible, in the next next date, that may be fixed by the Trial Court.

9. This Criminal Original Petition is ordered accordingly. Consequently, connected miscellaneous petition is closed.

07-07-2026

Neutral Citation: Yes/No

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D.BHARATHA CHAKRAVARTHY, J.

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1. The XXV-Metropolitan Magistrate,
Egmore, Chennai.
2. The Public Prosecutor,
High Court, Madras.

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