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CRL RC No. 1699 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-08-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 1699 of 2023

1. M/s.Kmp Spinners Private Limited
(earlier Pavizham Spinners Private Ltd), Rep
By Its Director K.M.Panneer Selvam,
S.F.No.299/7, Parai Kadu, Elarithakuttai Pirivu,
Veppadai Post, Thiruchengode Taluk,
Namakkal 638008.
2. K.M.Paneer Selvam
3. M.P.Sakthivel
4. M.P.Mohansundar,
5. Subha

..Petitioner(s)

Vs

Deepak Krishna Ranganathan
S/o Late. K.Rnaganathan, Meenu Anchorage, 2
Ramalinga Nagar Cross, Iii, Bharathi Park Cross
Road, 5 Saibabha Colony, Coimbatore 641011

..Respondent(s)

This revision is filed under Section 397 and 401 of Cr.P.C., to Call for the records and Set aside the order dated 01.08.2023 in CrI.MP.3054/2023 in CA.158/2022 pending trail on the file of the Learned 1st Additional District and Sessions Court, Coimbatore and thus render justice

For Petitioner(s): M/S K.Vasanthanayagan

For Respondent(s): M/S.R.Ganesh



ORDER

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This Criminal Revision Petition has been filed challenging the order dated 01.08.2023 passed by the Learned I Additional District and Sessions Judge, Coimbatore in Crl.M.P.No.3054 of 2023 in C.A.No.158 of 2022, whereby the petition filed under Section 391 Cr.P.C. to permit the petitioners to let in additional evidence was dismissed.

2. The Respondent/Complainant is a businessman. On the request of the petitioners who are Directors of M/s. KMP Spinners Pvt Ltd, the respondent and his wife advanced a total sum of Rs.70,00,000/- in 2015-2016. Out of this, Rs.55,00,000/- was transferred from the complainant wife's account and Rs.15,00,000/- from the complainant's account. To discharge part of the liability towards interest and balance, the petitioners issued a cheque for Rs.10,00,000/- bearing No.091954 dated 26.08.2019. The said cheque was dishonored with endorsement "Account Closed". Despite statutory notice dated 03.10.2019, no payment was made. Hence, the respondent filed C.C.No.304 of 2020 was filed under Section 138 Negotiable Instruments Act. After full-fledged trial, the Learned Judicial Magistrate FTC-I, Coimbatore, vide judgment dated 12.12.2022, convicted all the five petitioners/accused and sentenced them to undergo nine months Simple imprisonment and to pay Rs.15,00,000/- compensation. The Court rightly held that the statutory presumption under



sections 118 & 139 NI Act was not rebutted by the petitioners.

3. Aggrieved by the conviction, the petitioners filed C.A.No.158 of 2022.

During appeal, the petitioners have filed Crl.M.P.No.3054 of 2023 under section 391 Cr.P.C. to mark bank statements of the complainant's wife as additional evidence. The Learned I Additional District Judge, Coimbatore rightly dismissed the same on 01.08.2023 holding that no reason was given for non-production during trial. Challenging the same, the petitioners have filed the present revision before this Court.

4. The petitioners' defence is that the entire principal amount has been repaid. The bank statements of the complainant's wife are vital and essential documents to prove the exact amount received, repayments made, and to rebut the presumption under Section 139 of the NI Act. Without these documents, the appellate court cannot arrive at a just decision. The Hon'ble Supreme Court in *Rajaram Prasad Yadav vs State of Bihar, 2013* held that Section 391 must be liberally construed to do substantial justice.

5. The learned counsel further submits that the petitioners could not produce these documents during trial due to oversight and because the importance of the wife's account was not appreciated at that stage. The moment the complainant deposed about Rs.55,00,000/- coming from his wife's account, it became necessary to verify the same. This is not a case of suppression but of



bonafide omission. The Learned Appellate Judge dismissed the petition solely on the ground that "no evidence was let in before trial court". This is contrary to the object of Section 391. The test is not whether it was produced earlier, but whether it is necessary for pronouncing judgment. The bank statements go to the root of the matter - the existence of legally enforceable debt.

6. It is admitted by PW1 in cross-examination that Rs.55,50,000/- was repaid in 10 instalments. The bank statements will further show the pattern of repayment and interest paid till March 2019. Suppressing these will lead to miscarriage of justice. The Respondent submits that the petitioners had ample opportunity to produce the said bank statements and to let in evidence before the Trial Court. However, they deliberately chose not to examine themselves as DW1 and did not produce any documentary evidence to substantiate their defence. The statement of the accused under Section 313 Cr.P.C. was also recorded, wherein they denied the case but did not state anything about these bank statements.

7. The learned counsel for the Respondent submits that Section 391 Cr.P.C. is not a provision to fill up the lacuna left by the accused during trial. Additional evidence can be permitted only in exceptional circumstances and when it is essential for a just decision of the case. In the present case, no such circumstance exists.



8. The learned counsel for the Respondent further submits that the very purpose of filing this petition at the appellate stage is to delay the proceedings and to protract the litigation. The petitioners have not given any valid reason as to why the said documents were not produced before the Trial Court despite having knowledge of the same. Hence, this Court may dismiss the present revision.

9. Heard the learned counsel for the petitioners and the learned counsel for the respondent. Perused the materials on record.

10. The main contention of the petitioners is that the bank statements of the complainant's wife are vital documents to rebut the presumption under Section 139 of the N.I. Act and the same could not be marked before the Trial Court due to oversight.

11. However, on perusal of the records, it is seen that the petitioners had sufficient opportunity to produce the said documents before the Trial Court. They have not chosen to examine themselves or to let in any evidence during trial. The reason stated for non-production of the documents at the appellate stage is vague and not convincing.



12. Section 391 Cr.P.C. can be invoked only in exceptional circumstances and when the appellate court finds that additional evidence is necessary for a just decision.

13. In the present case, the petitioners have failed to make out any such exceptional circumstance. The Learned Appellate Judge has rightly held that the petitioners failed to let in any evidence before the Trial Court and there is no valid reason to permit additional evidence at the appellate stage. The reasons given by the Learned Appellate Judge appear to be justified and convincing.

14. In view of the above, this Court finds no merit in the Criminal Revision Case. The impugned order does not suffer from any illegality or infirmity warranting interference by this Court.

15. In the result, this Criminal Revision Petition is **DISMISSED**. The order dated 01.08.2023 passed by the Learned I Additional District and Sessions Judge, Coimbatore in Crl.M.P.No.3054 of 2023 in C.A.No.158 of 2022 is hereby confirmed. The learned I Additional District and Sessions Judge, Coimbatore is directed to decide the appeal in CA.No.158 of 2022 as expeditiously as possible, in accordance with law, without granting any unnecessary adjournment to either of the parties.



16. Let a copy of this order be sent by the registry of this Court to the Court concerned for its necessary compliance and information.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The I Additional District and Sessions Judge, Coimbatore



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SHAMIM AHMED, J.

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