



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.07.2026

CORAM

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

**Crl. OP(MD).No.15103 of 2024
and Crl.MP(MD).No.9458 of 2024**

1.Muthu Nadar Silks
Rep.by its Partners
S.Rajkumar and S.Vijayakumar

2.S.Rajkumar
Partner-Muthu Nadar Silks

3.S.Vijayakumar
Partner-Muthu Nadar Silks

....Petitioners/Accused

Vs

Anitha Jeyanthi

....Respondent /Complainant

Prayer: This petition is filed under Section 528 of BNSS, 2023, to call for the records of the order in Crl.M.P.No.3806 of 2024 in S.T.C.No.89 of 2022 on the file of the Judicial Magistrate (Fast Track Court) Thoothukudi dated 09.07.2024 and set aside the same.

For Petitioners : Mr.M.Mohamed Sherbudeen

For Respondent : Mr.Ka.Raamakrishnan



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ORDER

The present petition has been filed by the accused persons in S.T.C.No. 89 of 2022 on the file of the Judicial Magistrate (Fast Tract Court) Thoothukudi challenging the order passed by the trial Court in CrI.M.P.No. 3806 of 2024 on 09.07.2024.

2.The petitioners are accused in a private complaint filed under Section 138 read with Section 142 of Negotiable Instruments Act. In the said case, the complainant's side evidence was closed on 08.03.2023 and it was posted on 08.05.2023 for questioning under Section 313 (1)(b) of Cr.P.C. It was adjourned to 08.06.2023 for the defence to let in evidence. From the said date onwards, it has been adjourned till 04.11.2025. However, the accused persons have not let in any evidence whatsoever on their side. Thereafter, the present application has been filed under Section 311 of Cr.P.C.on 02.06.2024 seeking to reopen the defence side for letting in evidence. This application has been dismissed under the impugned order on the ground that despite several adjournments, the defence side has not let in any evidence. Challenging the same, the present petition has been filed.

3.According to the learned counsel appearing for the petitioners, since one of the accused persons had passed away, there was some delay on the part of the accused persons in getting instructions and let in evidence.



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4.Per contra, the learned counsel appearing for the complainant had submitted that at least on 30 occasions, the adjournments were granted to the accused persons to let in evidence and they have not utilized the said opportunities. When the arguments on the side of the complainant was completed, the present application has been filed and therefore, he raised strong objection for considering the request of the petitioners.

5.Heard the learned counsel appearing on either side and perused the material records.

6.A perusal of the impugned order reveals that due to the delay on the part of the accused persons, the present application seeking to reopen the defence side has been rejected. The learned counsel for the accused persons, on instructions, submits that they would be satisfied if the second accused namely S.Rajkumar alone is permitted to examine on the side of the defence. He further submits that the examination will be completed on a single day.

7.In view of the above said factual situation, to give one more opportunity to the petitioners herein, this Court is inclined to pass the following orders:

a)The order impugned in the petition is partly set aside permitting the second accused to examine himself as a defence side witness.

b)It is made clear that no further witness shall be permitted on the side of the defence.



c)The chief examination and cross examination of S.Rajkumar/second

accused herein shall be completed within a period of 15 days from the date of receipt of a copy of this order.

8.With the above said observations, this Criminal Original Petition is partly allowed. Consequently, connected miscellaneous petition is closed.

03.07.2026.

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
msa

To

1.The Judicial Magistrate (Fast Track Court) Thoothukudi

2.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai



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R.VIJAYAKUMAR, J.

msa

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