



Crl.R.C.No.2186 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2186 of 2023

and

Crl.M.P.No.19729 of 2023

B.S.Vetriselvi

... Petitioner

Vs.

V.Radhakrishnan

... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to set aside the order passed in C.M.P.No.4855 of 2022 in C.C.No.243 of 2018 dated 07.10.2023 on the file of the Judicial Magistrate No.II, Pollachi.

For Petitioner : Mr.C.Veera Raghavan



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ORDER

The petitioner/accused in a complaint under Section 138 of Negotiable Instruments Act filed by the respondent facing trial in C.C.No243 of 2018 on the file of the learned Judicial Magistrate No.II, Pollachi filed a petition under Section 145 of NI Act in C.M.P.No.4855 of 2023 to examine the complainant's Bank Manager and the same was dismissed. Against which, the present revision petition is filed.

2.The contention of the learned counsel for the petitioner is that the reason for filing the petition by the petitioner is that the petitioner paid a sum of Rs.1,00,000/- to the complainant by transferring from her account in Axis Bank, Pollachi to the account of the complainant at State Bank of India, Achipatti, which is denied, for which it is necessary to examine the Bank Manager of the complainant. He would further submit that by dismissing the petition, the petitioner has been denied of her right of probalizing her defence. The objection of the respondent before the Lower Court is that the fact of transfer of amount through Axis Bank, Pollachi and the alleged fact of repayment of Rs.1 lakh has been categorically denied in



the evidence of the complainant. If at all, the petitioner wants to prove the fact of payment of Rs.1 lakh through her bank, nothing stops the petitioner to produce her bank statement as a document before the Lower Court and it is not necessary to examine the Bank Manager of State Bank of India.

3.Considering the submissions made and on perusal of the materials, it is seen that the petitioner filed the above petition to examine the complainant's Bank Manager of State Bank of India. The specific case of the petitioner is through the petitioner's bank account, namely, Axis Bank, Pollachi, a sum of Rs.1 lakh has been transferred to the complainant's account. For this purpose, the bank statement of the petitioner/accused would be sufficient to prove the same and it is not necessary to summon the Bank Manager of State Bank of India where the complainant has the account. Hence, the Trial Court had rightly dismissed the petition.

4.Further, it is seen that the case is of the year 2018 and it is almost five years, the case is still at the trial stage. Therefore, the Trial Court is directed to complete the trial without further delay by giving sufficient



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opportunity to the petitioner to put forth his defence in the manner known to

law.

5. With the above direction, the criminal revision petition stands dismissed.

21.12.2023

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

cse

To

The Judicial Magistrate No.II,
Pollachi.



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M.NIRMAL KUMAR, J.

cse

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