



Crl.R.C.No.1221 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1221 of 2024

And

Crl.M.P.No.10419 of 2024

M/s.KRM Kumaragam Chits (P) Ltd.,
Rep. by its Managing Director
R.Prathepkumar

... Petitioner

Vs.

M/s.Surya Agril Clinic
Rep. by its Proprietor
Mr.S.G.NambiRajan

... Respondent

Prayer:

Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C, seeking to call for the records in connection with Crl.M.P.No.1272 of 2024 in C.C.No.163 of 2016 on the file of the District Munsif cum Judicial Magistrate, Uthukkotai and set aside the said order passed by the District Munsif cum Judicial Magistrate, Uthukkotai dated 25.06.2024 in Crl.M.P.No.1272 of 2024 in C.C.No.163 of 2016.

For Petitioner : Mr.V.Parthiban
For Respondent : Ms.U.Meharunisha

O R D E R

The criminal revision case has been filed seeking to set aside the



Crl.R.C.No.1221 of 2024

the order passed by the District Munsif cum Judicial Magistrate, Uthukkotai dated 25.06.2024 in Crl.M.P.No.1272 of 2024 in C.C.No.163 of 2016.

2.The learned counsel for the petitioner submitted that the petitioner is the accused in C.C.No.163 of 2016 and the petitioner filed petition under Section 243 of Cr.P.C. for examining the Bank Manager and the Registrar of the firm as defence side witnesses and the said petition was dismissed by the trial Court. The learned counsel further submitted that the respondent filed the complaint under Section 138 of the Negotiable Instruments Act alleging that the petitioner issued the disputed instrument, however, the petitioner resigned his job from M/s.KRM Kumaragam Chits (P) Ltd much earlier on 08.02.2016 and after his resignation the cheque was mis-used by the respondent. Hence, the filed Crl.M.P.No.1272 of 2024, however, the said petition was dismissed by the trial Court. The learned counsel further submitted that the petitioner is entitled to take defence before the trial Court and the same was denied by the trial Court which is not sustainable one. If at all the respondent has any grievance, the respondent can very well cross examine the defence witnesses and no prejudice would be caused to him.



CrI.R.C.No.1221 of 2024

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3. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondent.

4. The facts in the present case is not in dispute. Admittedly the respondent filed the complaint under Section 138 of the Negotiable Instruments Act in C.C.No.163 of 2016. The petitioner claim that he resigned his job from M/s.KRM Kumaragam Chits (P) Ltd much earlier on 08.02.2016 and after his resignation the cheque was mis-used by the respondent. To prove the same, the petitioner wants to examine the Bank Manager and the Registrar of the firm.

5. Allowing the Bank Manager and the Registrar of the firm to be examined as the defence side witnesses would not cause any prejudice to the respondent. The trial Court ought to have given fair opportunity to the petitioner, however, the same was denied which is not sustainable one.

6. In view of the above, the order dated 25.06.2024 made in CrI.M.P.No.1272 of 2024 in C.C.No.163 of 2016 by the learned District Munsif cum Judicial Magistrate, Uthukkotai is set aside. The petitioner



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Crl.R.C.No.1221 of 2024

M.DHANDAPANI,J.
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is directed to produce the Bank Manager and the Registrar of the firm before the trial Court on the next two hearing dates. The respondent shall conclude the cross examination on the same day. The trial Court shall dispose of C.C.No.163 of 2016, within a period of three months from the date of completion of cross examination.

7.This criminal revision case is allowed on the above terms.
Consequently, the connected miscellaneous petition is closed.

01.08.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The District Munsif cum Judicial Magistrate, Uthukkotai.

Crl.R.C.No.1221 of 2024
And
Crl.M.P.No.10419 of 2024