



Crl.R.C.No.1382 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1382 of 2024
and Crl.M.P.Nos.13119 & 11738 of 2024

V.Ramu

...

Petitioner

Vs.

Rajapandian

...

Respondent

Prayer: Criminal Revision Petition is filed under Section 438 read with 442 of Bharatiya Nagarik Suraksha Sanhita, 2023 BNSS to call for the records in order dated 19.07.2024 passed in Crl.M.P.No.36910 of 2024 in STC No.2490 of 2023 by the XXV Metropolitan Magistrate, Egmore, Chennai - 600 008 and set aside the same.

For Petitioner : Mr.P.Saravanan

For Respondent : Ms.S.Sridevi

ORDER

The revision challenges the dismissal of the petition filed under Section 254 of Cr.P.C. to examine two Bank witnesses as defence witnesses. The Trial Court had dismissed the petition on the ground that



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the petitioner had not established as to how the examination of the said witnesses would help to improve his defence case and that the petition has been filed only to delay the proceedings.

2. The learned counsel appearing for the petitioner would submit that it is the defence of the petitioner that the cheque was issued to a private company namely Janaki Forex which has been misused by the respondent who was employed as a Manager in the said company; that the respondent has no means to lend a sum of Rs.10,00,000/-, as claimed by him in the complaint; that the evidence of complainant's Bank Manager would establish the source of income and Bank balance of the respondent. The learned counsel, however is unable to state as to why the Manager of the petitioner's bank is required for the purpose of the case.

3. Though notice has been served on the respondent, none has entered appearance. Therefore, this Court, by order dated 13.11.2024 appointed Ms.S.Sridevi as legal-aid counsel for the respondent.



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4. The learned counsel appearing for the respondent would submit that the petitioner had not given any reason justifying the need for examination of the above two witnesses and further submitted that the petition has been filed only to delay the proceedings.

5. Heard the learned counsel appearing for the petitioner as well as the legal-aid counsel appearing on behalf of the respondent and perused the records.

6. On perusal of the records, this Court is of the view that since the petitioner is unable to point out as to why Branch Manager of the accused Bank has to be examined, the said witness would not be required to be examined. However, it is the case of the petitioner that in order to establish the respondent's financial capacity, the Bank Manager of the respondent's Bank has to be examined. Hence, this Court is of the view that for the said purpose, Bank Manager of the complainant's Bank can be examined. Therefore, the impugned order dated 19.07.2024 passed by the learned XXV Metropolitan Magistrate, Egmore, Chennai, in Crl.M.P.No.36910 of 2024 in S.T.C No.2490 of 2023 dismissing the



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petition to examine the Bank Manager of the complainant's Bank alone is set aside. However, since it is the apprehension of the complainant that the petitioner has filed this petition to drag on the proceedings, this Court is of the considered view that time may be fixed to complete the evidence on the side of the petitioner.

7. In view of the above, the petitioner is permitted to examine the Bank Manager of the complainant's Bank and complete the recording of evidence of the said witness within a period of three weeks from the date of receipt of a copy of this order.

8. With the above observation, this Criminal Revision Petition is partly allowed only in so far as the examination of the Branch Manager of the complainant's Bank viz. South Indian Bank, Nungambakkam, Chennai – 600 006. Consequently, connected Miscellaneous Petitions are closed.

19.11.2024

Index : Yes/No
Neutral Citation : Yes/No
Speaking order/Non-speaking order
rgr



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To

1.The XXV Metropolitan Magistrate,
Egmore, Chennai,

2.The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

rgt

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