

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 01.08.2024

CORAM

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**Crl.RC.No.2082 of 2023
and Crl.MP.No.19061 of 2023

1. Sri Annamalai Tex Exports (P) Ltd.,
Rep. By its Managing Director
S/o.Arthanari Gounder,
No.36/1, Periya Karukkupalayam Road,
Olagadam Village,
Bhavani Taluk.

2. A.Palanivel

3. P.Sasikumar

... Petitioners

-Vs-

P.Sakthivel

... Respondent

Prayer: Criminal revision is filed under Sections 397 and 401 of the Criminal Procedure Code, to call for the records and set aside the order dated 06.10.2023 made in CMP. No.717 of 2023 in STC. No.221 of 2018 on the file of the learned Judicial Magistrate Court-II, Bhavani by allowing this revision.

For petitioner : Mr.R.Prabakar

For Respondents : Mr.K.Govi Ganesan

ORDER



The Criminal Revision has been filed against the order dated 06.10.2023 made in CMP. No.717 of 2023 in STC. No.221 of 2018 on the file of the learned Judicial Magistrate Court-II, Bhavani.

2. The facts of the case are as follows:

The petitioners are the accused and the respondent is the complainant. The respondent filed a case under Section 138 of NI Act against the petitioners and the same is pending. However, it is the case of the petitioners that on the earlier occasion, the respondents father in law viz., Matheswaran had filed a case under 138 of NI Act against the petitioners before the learned Judicial Magistrate-I, Bhavani. The petitioners has preferred a petition before the trial Court that they wanted to examine the said Matheswaran and one Suseela, Ward Member of Guruppanaikam Palayam 11th ward and to mark the documents and the same was dismissed. Challenging the said order, the present revision has been filed before this Court.

3. The learned counsel for the petitioner submitted that the witnesses cited by the petitioners are very much relevant to probablise the defence of the petitioners to rebut the presumption. The petitioners cannot be denied



opportunity available to them. However, the learned counsel further submitted that this court without interfering with the impugned order, permit the petitioners to examine as defense witnesses and to mark the documents.

4. The learned counsel for the respondent submitted that the trial Judge has dismissed the petition observing that the petitioners are attempting to drag on the proceedings and therefore, this Court may dismissed the revision.

5. Heard the learned counsel for the petitioners and the respondent and perused the materials available on record.

6. In view of the limited relief sought for by the petitioners, this Court without interfering with the impugned order, permit the petitioners to examine as defense witnesses and also to mark the documents. The learned trial Judge is directed to dispose STC.No.221/2018 within a period of three months from the date of receipt of a copy of this order. The petitioners shall not take any adjournment during examination and also the petitioners are directed to cooperate with the learned Judge for early disposal.



M.DHANDAPANI,J.

Rli

7. With the above directions, the revision is dismissed. Consequently,
connected miscellaneous petition is closed.

01.08.2024

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Index : Yes/No

Internet: Yes/No

Speaking Order : Yes/No

To

1. The Judicial Magistrate Court-II, Bhavani

2. The Public Prosecutor,
High Court, Madras.

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