



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.2760 of 2025
& C.M.P.No.1774 of 2025

S.Anisha

... Petitioner

Vs.

A.T.Jai Prakash

... Respondent/complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to set aside the order dated 21.12.2024 made in Crl.M.P.No.76583 of 2024 in S.T.C.No.2526 of 2022 pending on the file of the learned Metropolitan Magistrate, Fast Track Court – II, Allikulam, Egmore, Chennai.

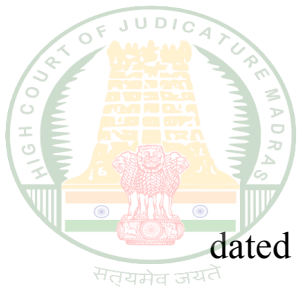
For Petitioner : Mr.S.S.Santhosakumar

For Respondent : Ms.J.Jothi

ORDER

The Criminal Original Petition has been filed challenging the

order passed in Crl.M.P.No.76583 of 2024 in S.T.C.No.2526 of 202,



dated 21.12.2024, pending on the file of the learned Metropolitan Magistrate, Fast Track Court – II, Allikulam, Egmore, Chennai, thereby the Trial Court dismissed the Application filed under Section 348 of BNSS, 2023 to direct the Bank Manager of City Union Bank, Selaiyur Branch and the Bank Manager, Axis Bank, Perumbakkam to produce the statement of Account of the petitioner for the period of 2022.

2. It is seen that the petitioner is an accused on the complaint lodged by the respondent for the offence under Section 138 of the Negotiable Instruments Act, 1881. The respondent was examined as P.W.1, during the cross examination of P.W.1, he admitted the interest which was paid by the petitioner to the tune of Rs.38,500/- on 29.05.2019, however, denying the receipt of amount to the tune of Rs.3,46,500/- during the period 01.04.2019 to 31.03.2020. Therefore, the petitioner filed an Application under Section 348 BNSS 2023, to call the defence side witness to mark the bank statements. However, it was dismissed by the Trial Court on the ground that the case was in the stage of arguments, further the petitioner failed to state the necessity of the bank statements to be marked.

3. On perusal of the Bank statement from 01.04.2019 to 31.03.2020 of Axis Bank in respect of the A/c. No.919020034382519



belongs to the petitioner revealed that at various dates a sum of Rs.38,500/- has been transferred with remark of church payment. The respondent admitted the payment of Rs.38,500/- on 29.05.2019. With the same remarks, subsequent payments were made by the petitioner and the same was debited by the respondent. Therefore, the petitioner wanted to produce the statement of accounts through the Bank Manager. In view of the above, this Court finds infirmity in the order passed by the learned Metropolitan Magistrate, Fast Track Court, Egmore @ Allikulam and it is liable to be set aside.

4. Accordingly, this Petition is allowed. It is made clear that the certified copy of the Bank Statement of the petitioner to be marked through the petitioner and the respondent is at liberty to cross examine the petitioner. It should be completed within a period of four weeks from today. The Trial Court is directed to dispose the case within a period of four weeks, thereafter. Consequently, connected Miscellaneous petition is closed.

18.02.2025

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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To

1. The Metropolitan Magistrate,
Fast Track Court – II, Allikulam, Egmore,
Chennai.
2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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and
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G.K.ILANTHIRAIYAN, J.

Today the matter is listed under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner has brought to the notice of this Court that some typographical error has crept in, in Paragraph No. 4 of the order dated 18.02.2025 in Crl.O.P.No.2760 of 2025.

3. Accepting the submissions of the learned counsel for the petitioner, Paragraph No.4 of the order dated 18.02.2025 in Crl.O.P.No.2760 of 2025 shall be read as follows :

“ 4. Accordingly, this Petition is allowed. It is made clear that the certified copy of the Bank Statement of the petitioner to be marked through the concerned Bank Manager and the respondent is at liberty to cross examine the petitioner. It should be completed within a period of four weeks from the date of receipt of a copy of this order. The Trial Court is directed to dispose the case within a period of four



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*weeks, thereafter. Consequently, connected
miscellaneous petition is closed.*

G.K.ILANTHIRAIYAN, J.

5. Registry is directed to carry out the necessary correction in the order dated 18.02.2025 in CrI.O.P.No.2760 of 2025 and issue a fresh order copy.

10.03.2025

Lpp

CrI.O.P.No.2760 of 2025