IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2025

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.296 of 2025

Maragtham ... Petitioner

Vs.

K.P.Rangasamy ... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 R/w.442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying to set aside the order dated 29.11.2024 made in Crl.M.P.No.3360 of 2024 in S.T.C.No.2674 of 2019 on the file of the Judicial Magistrate (Fast Track) Tiruppur.

For Petitioner : Mr.K.S.Karthik Raja
For Respondent :Mr.S.Venkatesh

ORDER

This Criminal Revision Petition has been filed challenging the order dated 29.11.2024 passed in Crl.M.P.No.3360 of 2024 in S.T.C.No.2674 of 2019 on the file of the Judicial Magistrate (Fast Track) Court, Tiruppur, thereby dismissed the petition filed under section

254 (2) of Cr.P.C to summon the Bank Manager and Assistant Commissioner of Income Tax as her defence witnesses.

2. The petitioner is an accused in the complaint lodged by the respondent for the offence under Section 138 of the Negotiable Instruments Act, alleging that the petitioner borrowed loan to the tune of Rs.6 lakhs from the respondents on 17.05.2017 and in order to repay the said amount, he issued a cheque and the same was presented for collection. However, it was returned for the reason "drawer signature differ". After issuance of statutory notice, a complaint has been lodged. While pending trial, the petitioner filed an application under section 254(2) of Cr.P.C., to summon both the Bank Manager and also Assistant Commissioner of Income Tax as her defence witnesses.

3. According to the respondent, the amount was paid through cheque. However, the petitioner denied the same and in order to disprove the case of the respondent, the petitioner intended to examine the Bank Manager and the Assistant Commissioner of Income Tax to prove that the respondent has no source of income to lend such a huge amount. These issues can be elicited during cross examination of the respondent.

Therefore, the evidence of the Bank Manager and Assistant Commissioner of Income Tax are not at all necessary to disprove the case of the respondent. Therefore, the trial Court rightly dismissed the petition.

4. In view of the above, this Court finds no infirmity or illegality in the order dated 29.11.2024 passed in Crl.M.P.No.3360 of 2024 in S.T.C.No.2674 of 2019 by the Judicial Magistrate (Fast Track) Court, Tiruppur. Accordingly, this Criminal Revision Case stands dismissed.

12.08.2025

mpa

To
The Judicial Magistrate (Fast Track) Tiruppur.

G.K.ILANTHIRAIYAN, J.
mpa

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