



Crl.R.C.No.410 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.No.410 of 2025
and Crl.M.P.No.4516 of 2025

G.Thulasiram

... Petitioner

Vs

M/s. PBS Exports And Imports,
Represented by Its Prop.Subash Chander,
Flat A2, Sai Swaroop Flats,
No.5/27, Valluvar Street,
Ramapuram, Chennai - 600 089.

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 read with 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to allow this revision, call for the records pertaining to the order dated 20.12.2024 by the learned Metropolitan Magistrate Fast Track Court -V, Saidapet, Chennai in Crl.M.P.No.19920 of 2024 in CC.No.3722 of 2019 dismissing the petition filed u/s.231(2) of BNSS demanding the complainant Bank Manager, Canara Bank, K.K.Nagar, Branch, Chennai - 600 078 to produce the bank statements of complainant for the period (01/04/2014 to 31.03.2019) and set aside the same.

For Petitioner : Mr.R.Thanigai Arasu

For Respondent : Mr.M.Sreedhar



Crl.R.C.No.410 of 2025

ORDER

WEB COPY

This Criminal Revision has been filed as against the order dated 20.12.2024 by the learned Metropolitan Magistrate Fast Track Court-V, Saidapet, Chennai in Crl.M.P.No.19920 of 2024 in CC.No.3722 of 2019, thereby dismissing the petition filed under Section 231(2) of BNSS, 2023.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of Negotiable Instruments Act. Pending trial, the respondent was examined as PW.1. During cross examination, the respondent was cross examined and elicited that so many payments were made by the petitioner on several dates and those details can be answered only after verification of account details. Therefore, the petitioner filed a petition under Section 231(2) of BNSS, 2023 to summon the respondent's Bank Manager to produce the statement of accounts of the respondent for the period from 01.04.2014 to 31.03.2019, in order to prove the payments made by the petitioner. However, it was dismissed, on the ground that already the petitioner filed a petition under Section 91 of Cr.P.C for production



of statement of accounts for the very same period and the same was also dismissed. Once again, the petitioner filed a very same petition with the same prayer indirectly by way of summoning the Bank Manager.

4. A perusal of the cross examination as stated supra, PW.1 categorically suggested that on several occasions so many payments were made in favour of the respondent for which PW.1 also admitted that only after verifying the Statement of Accounts, it can be answered. Therefore, the petitioner had rightly filed a petition to summon the Bank Manager of the respondent in order to disprove the complaint lodged by the respondent.

5. In view of the above, the impugned order cannot be sustained and is liable to be set aside. Accordingly, the order dated 20.12.2024 by the learned Metropolitan Magistrate Fast Track Court -V, Saidapet, Chennai in Crl.M.P.No.19920 of 2024 in CC.No.3722 of 2019 is hereby set aside. The petitioner is directed to pay the process fee to summon the respondent's Bank Manager to produce the Statement of Accounts from 01.04.2014 to 31.03.2019.



Crl.R.C.No.410 of 2025

6. Accordingly, this Criminal Revision Case is allowed.

Consequently, connected Miscellaneous petition is closed.

18.08.2025
($\frac{1}{2}$)

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn



WEB COPY



Crl.R.C.No.410 of 2025

To

The Metropolitan Magistrate Fast Track Court -V,
Saidapet, Chennai.



WEB COPY



Crl.R.C.No.410 of 2025

G.K.ILANTHIRAIYAN. J.

mn

Crl.R.C.No.410 of 2025

18.08.2025