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Crl.R.C.Nos.479 & 804 of 2025

Crl.R.C.Nos.479 & 804 of 2025
and
Crl.M.P.Nos.6037 & 11345 of 2025

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 a typographical error has crept in the heading portion of the order dated 15.07.2025 in Crl.R.C.Nos.479 & 804 of 2025, wherein “**Crl.R.C.No.804 of 2025**” has been inadvertently typed as “**Crl.R.C.No.84 of 2025**”. The said error requires correction.

3. Accepting the submissions of the learned counsel for the petitioner, the correction is made as follows in the heading portion :

*“Crl.R.C.Nos.479 of 2025 and
Crl.M.P.No.6037 of 2025 & Crl.R.C.No.804 of 2025
& Crl.M.P.No.11345 of 2025”*

4. In all other aspects, the dated 15.07.2025 in Crl.R.C.Nos.479 & 804 of 2025 shall remain unaltered.



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G.K.ILANTHIRAIYAN, J.

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5. Registry is directed to carry out the necessary correction in the order dated 15.07.2025 in Crl.R.C.Nos.479 & 804 of 2025 and issue a corrected order copy accordingly.

31.07.2025

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**Crl.R.C.Nos.479 & 804 of 2025
and
Crl.M.P.Nos.6037 & 11345 of 2025**



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Crl.R.C.Nos.479 & 804 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2025

CORAM:

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

Crl.R.C.Nos.479 of 2025 and Crl.M.P.No.6037 of 2025 &
Crl.R.C.No.84 of 2025 & Crl.M.P.No.11345 of 2025

R.Palanisamy

... Petitioner in both the
petitions

Vs

V.Narmada @ Palaniammal

... Respondent in both the
petitions

PRAYER: Criminal Revision Cases are filed under Sections 397 and 401 of Cr.P.C., / Section 438 and 442 of BNSS Act to set aside the orders dated 20.02.2025 & 16.05.2025 made in Crl.M.P.No.941 of 2025 & Crl.M.P.No.5688 of 2025 respectively in C.C.No.7538 of 2017 on the file of the learned Metropolitan Magistrate, Fast Track Court No.I at Magistrate Level, Egmore @ Allikulam by allowing the present Revisions.

For Petitioner : Mr.N.S.Suganthan

For Respondent : Mr.K.Kathiresan

COMMON ORDER

Since the parties and the issues involved in both the petitions are



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one and the same, they are taken up together and a common order is

being passed.

2. The Criminal Revision Petition No.479 of 2025 has been filed challenging the order passed in Crl.M.P.No.941 of 2025 in C.C.No.7538 of 2017 dated 20.02.2025 thereby dismissing the petition filed under Section 45 of the Indian Evidence Act.

3. The Criminal Revision Petition No.804 of 2025 has been filed challenging the order passed in Crl.M.P.No.5688 of 2025 in C.C.No.7538 of 2017 dated 16.05.2025 thereby dismissing the petition filed under Section 315 of Cr.P.C., read with Section 145(2) of Negotiable Instruments Act to examine the witness on the defence side.

4. Heard the learned counsel on either side and perused the documents placed on record.

5. The petitioner is the accused on the complaint lodged by the respondent. The respondent lodged a complaint alleging that the petitioner borrowed a sum of Rs.10 Lakhs in the year 2016 and in order to repay the said amount, the respondent issued cheque. When the cheque was presented for collection, it was returned dishonoured for the reason 'Payment Stopped by Drawer'. After causing statutory notice, the respondent lodged a complaint and the same has been taken cognizance



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by the trial court in C.C.No.7538 of 2017.

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Balasundaram was constrained to approach learned Judicial Magistrate, Sathyamangalam under Section 156 (3) in C.C.No.6084 of 2018 and the learned Magistrate, Sathyamangalam directed the Inspector of police to conduct enquiry and if any cognizable offence made out, directed to register FIR and report. Therefore, the petitioner has made out a prima facie case in the initial stage itself that he did not borrow any amount from the respondent and he did not issue any cheque, therefore, immediately, after knowing the fact that the cheque was stolen by the respondent, the petitioner issued stop payment to his bank and not to honour the cheques, which was stolen by the respondent herein. Accordingly, when the cheque was presented by the respondent, it was returned as drawer stopped payment, hence the petitioner filed an application to compare the signature found in the cheque with contemporary documents, however, without considering the same, the trial court dismissed the petition indicating that cheque was returned for the reason payment stopped by drawer and the cheque was not returned for the reason signature differs, therefore the order passed by the court below is liable to be dismissed.



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7. Besides the above, while pending trial, the petitioner has also filed an application under Section 315 of Cr.P.C., read with 145(2) of the Negotiable Instruments Act to examine his witnesses in order to prove that the cheque book, which was in the house of the Balasundaram, was stolen by the respondent, in that regard, the said Balasundaram lodged a complaint in Crl.M.P.No.6084 of 2018 on the file of the learned Judicial Magistrate, Sathyamangalam and the same was allowed with a direction to register the case and conduct investigation. Further, the respondent recently opened the account at Chennai to present the stolen cheque at Chennai and to file a complaint in the Chennai district, therefore, the petitioner intends to examine the Bank Manager of the respondent. Further, the petitioner also intends to examine the house owner of the respondent, who recently rented out the premises to the respondent to have jurisdiction before the trial court. In fact, the petitioner sent notice in this regard and the same was returned 'no such person'. The respondent is residing at Sathyamangalam and in order to initiate proceedings under Section 138 of Negotiable Instruments Act, the respondent lodged a complaint before the trial court. Hence, this Court is of the view that the petitioner made out a prima facie case to examine these witnesses as defence witnesses.



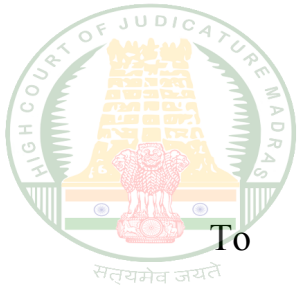
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8. In view of the above, this Court is inclined to set aside the orders passed in Crl.M.P.No.941 of 2025 & Crl.M.P.No.5688 of 2025 respectively in C.C.No.7538 of 2017 dated 20.02.2025 & 16.05.2025 on the file of the learned Metropolitan Magistrate, Fast Track Court No.I at Magistrate Level, Egmore @ Allikulam and the present Revisions are allowed. The trial court is directed to send the cheque for handwriting expert opinion and on receipt of the opinion, shall proceed with the trial. Further, the trial court is also directed to issue summons to the defence witnesses as filed by the petitioner and examine them as defence witnesses and complete the trial within a period of three months from the date of receipt of expert opinion from the handwriting expert.

With the above direction, the present Revisions are allowed.
Consequently connected miscellaneous petitions are closed.

15.07.2025

Index : Yes/No;
Neutral citation : Yes/No
Speaking/non-speaking order
ssd



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To

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1. The Metropolitan Magistrate, Fast Track Court No.I at Magistrate Level, Egmore @ Allikulam

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



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G.K.ILANTHIRAIYAN, J.

ssd

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