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Crl.O.P.No. 10433 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

CORAM:

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

Crl.O.P.No. 10433 of 2025

and

Crl.M.P.No.6939 of 2025

P.Ramesh Babu

..... Petitioner

Vs

T.M.Rajendran

..... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed in Crl.M.P.No.3168 of 2024 in S.T.C.No.805 of 2021, on the file of XIII Small Causes Court, Chennai, dated 01.02.2025.

For Petitioner : Mr.G.Vinoth Kumar

ORDER

This Criminal Original Petition has been filed challenging the order dated 01.02.2025 passed in Crl.M.P.No.3168 of 2024 in STC No.805 of 2021 by the XIII Small Causes Court, Chennai, thereby dismissing the application filed by the petitioner seeking issuance of a witness warrant as against the witness.



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2. Heard the learned counsel appearing for the petitioner 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 the Negotiable Instruments Act. The petitioner intended to examine the respondent's Bank Manager as a defence witness. Though summons were served on the Bank Manager, he refused to receive them. Therefore, the petitioner filed an application seeking issuance of a witness warrant as against the said witness to secure his presence for examination. However, the Trial Court dismissed the application on the ground that there was no material to show that the Bank Manager was deliberately evading service of summons.

4. In view of the above, this Court finds no infirmity or illegality in the order dated 01.02.2025 passed in Crl.M.P.No.3168 of 2024 in STC No.805 of 2021 by the XIII Small Causes Court, Chennai. However, the Trial Court is directed to issue fresh summons to the witness and if the witness fails to comply with the summons despite due



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service, the Trial Court is directed to issue witness warrant in accordance with law.

5. In the result, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

08.04.2025

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

To

The XIII Small Causes Court,
Chennai



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G.K.ILANTHIRAIYAN, J.

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