



Crl.O.P.No.14154 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated: 01.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.14154 of 2025
and Crl.M.P.No.9565 of 2025

M/s.Paceman Finance India Pvt Ltd
Represented by Mr.Dharmesh Kumar
Crescent Court, Suit No.21, 3rd Floor
No.963, Poonamallee High Road
Chennai – 600 084

... Petitioner

Versus

1.M/s.Thirupathi Brothers Film Media Private Ltd
Rep by its Managing Director and Authorised Signatory
Lingusamy

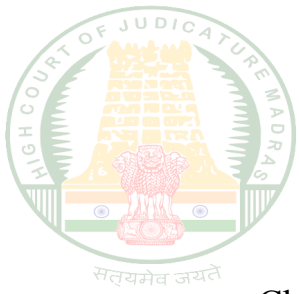
2.Lingusamy
3.N.Subash Chandra Bose

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to set aside the order of the learned XIX Metropolitan Magistrate, Egmore at Allikullam, Chennai dated 27.02.2025 passed in Crl.M.P.No.2059 of 2024 for permitting the petitioner to give evidence and marking the above said documents.

For Petitioner : Mr.G.Prabhu
For Respondents : Mr.M.Murali

ORDER



Crl.O.P.No.14154 of 2025

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Challenge has been made to the order of the Trial Court dismissing the petition filed under Section 311 of CrPC, the present petition has been filed.

2. The petition in Crl.M.P.No.2059 of 2024 was filed to adduce certain documentary evidences said to have been executed by the accused namely demand drafts dated 05.04.2016, 15.04.2016 and Letter of undertaking dated 20.04.2016. The Trial Court has dismissed the application mainly on the ground of delay.

3. The learned counsel for the petitioner submitted that the documents are relevant to establish his case. Whereas, the learned counsel for the respondents submitted that these documents were never disclosed at any time, therefore, at this stage, documents cannot be adduced. Even when application was filed under Section 91 of CrPC, the Trial Court has clearly held that the if at all the complainant failed to produce the necessary documents to prove his case, as per Section 114 of Indian Evidence Act, adverse inference can be drawn against them. Therefore, opposed this petition.

4. Heard both sides and perused the materials placed on record.



Crl.O.P.No.14154 of 2025

WEB COPY

5. Admittedly, the complainant wants to adduce documents said to have been signed by accused. Though, it is the contention of the accused/respondents that the documents was executed in different years, the fact remains that signature of the parties have not been disputed. Such view of the matter, when the petitioner wants to establish certain facts, merely there is a delay, the same cannot be pitted against him. Whether these documents are relevant or not, when the cheque is issued or whether executed in different years is a matter of evidence and the same has to be decided in a trial Court.

6. In view of the above, the order of the Trial Court dismissing the application dated 27.02.2025 is set aside and the petitioner is granted one more opportunity to adduce evidences and the Trial Court shall fix a date for filing the said evidences and the respondents shall cross examine the witnesses. The cross examination shall not exceed for more than 2 hearings

N.SATHISH KUMAR, J.



Crl.O.P.No.14154 of 2025

WEB COPY 7. Accordingly, this petition stands allowed. Consequently, connected miscellaneous petition stands closed.

01.09.2025

dhk

Index : Yes

Internet : Yes

To

1. The XIX Metropolitan Magistrate, Egmore at Allikullam, Chennai

2. The Public Prosecutor
Madras High Court

Crl.O.P.No.14154 of 2025