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Crl.O.P.No.13279 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

CORAM:

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

Crl.O.P.No.13279 of 2025

and

Crl.M.P.No.8918 of 2025

Elavarasi

.... Petitioner

Vs

Manimegalai

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and to set aside the order in M.P.No.2/2024 in C.A.No.173/2023 dated 17.02.2025 on the file of the I Additional District and Sessions Judge at Namakkal.

For Petitioner : Mr.S.Varanesh

ORDER

This Criminal Original Petition has been filed challenging the order dated 17.02.2025 passed in M.P.No.2 of 2024 in C.A.No.173 of 2023 by the I Additional District and Sessions Judge, Namakkal, thereby dismissing the application seeking permission to produce additional evidence.



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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 offences punishable under Section 138 of the Negotiable Instruments Act in C.C.No.869 of 2021. After a full-fledged trial, the Trial Court convicted the petitioner for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for a period of six months and also awarded compensation to the tune of cheque amount, and in default, to undergo simple imprisonment for a further period of three months. Aggrieved by the said conviction order, the petitioner preferred an appeal in C.A.No.173 of 2023. Pending appeal, the petitioner filed an application under Sections 311 and 391 of Cr.P.C seeking permission to adduce additional evidence.

4. A perusal of the records reveals that the petitioner failed to produce the documents before the Trial Court on the ground that his father fell ill. However, the illness of the petitioner's father has no bearing on the petitioner's ability to produce and mark the documents during the



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trial. That apart, the documents, which are proposed to produce before

the Appellate Court, are not connected to the transaction in question.

Further, the proposed examination of the petitioner's father is not in any manner useful to putforth his defence.

5. In view of the above, the Appellate Court rightly dismissed the petition and this Court finds no infirmity or illegality the order dated 17.02.2025 passed in M.P.No.2 of 2024 in C.A.No.173 of 2023 by the I Additional District and Sessions Judge, Namakkal. However, the Appellate Court is directed to dispose of the appeal within a period of three months from the date of receipt of a copy of this order.

6. In the result, this Criminal Original Petition stands dismissed.

29.04.2025

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

To

The I Additional District and Sessions Judge,
Namakkal.



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G.K.ILANTHIRAIYAN, J.

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