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Crl.R.C.No.952 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2025

CORAM :

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

Crl.R.C.No.952 of 2025
and
Crl.M.P.No.12644 of 2025

R.Ponnusamy

... Petitioner

Vs.

R.Govindaraj

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C., pleased to call for the records and set aside the impugned order dated 18.03.2025 in Cr.M.P.No.4196 of 2023 in S.T.C.No.276 of 2023 passed by the learned Judicial Magistrate, Sulur, Coimbatore District and further direction for summoning and examination of the proposed defense side witness viz., Branch Manager, Union Bank of India, Somanur Branch.

For Petitioner : Mr.G.Thiyagarajan

For Respondent : Mr.S.Lingesh



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ORDER

This Criminal Revision Case has been preferred against the order dated 18.03.2025 passed in Cr.M.P.No.4196 of 2023 in S.T.C.No.276 of 2023 by the learned Judicial Magistrate, Sulur, Coimbatore District, thereby dismissing the petition for summoning "The Branch Manager, Union Bank of India, Somanur Branch" as defense side witness.

2. Heard the learned counsel appearing for the parties and also perused the materials available on record.

3. The petitioner/accused and the respondent/complainant are known to each other for the past 25 years and based on the said acquaintance, the petitioner had borrowed a sum of Rs.9,00,000/- on various occasions from the respondent and agreed to repay the amount within six months with an interest at 18% p.a. However, he failed to do so, and therefore, the respondent approached the petitioner for repayment and the petitioner had issued a cheque bearing No.074801 dated 31.01.2023 for Rs.9,95,000/-. When the said cheque was presented on 31.01.2023 for collection, the same was returned on 01.02.2023 with an



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endorsement “Payment stopped by drawer”. Against the said dishonour, the respondent sent the legal notice on 15.02.2023 to the petitioner, which was returned on 17.02.2023. Hence, the respondent has filed a complaint u/s 138 of NI Act on the file of Judicial Magistrate, Sulur, Coimbatore District in S.T.C.No.276 of 2023 and the same is pending. Thereafter, the petitioner has filed a petition u/s 243(2) of Cr.P.C., seeking to summon “The Branch Manager, Union Bank of India, Somanur branch” as defense side witness in Cr.M.P.No.4196 of 2023 in S.T.C.No.276 of 2023. The Trial Court, vide order, dated 18.03.2025, dismissed the said petition, holding that the petitioner has filed the petition with a view to drag on the proceeding. Aggrieved by the same, the present revision is filed by the petitioner/accused.

4. A perusal of the entire records including the impugned order, reveals that the petitioner has borrowed the said amount from the respondent, however he failed to repay the same. Thereby, after causing notice to the petitioner, the respondent has filed a complaint against him and the same is pending. In the meantime, the petitioner has filed a petition to summon The Branch Manager, Union Bank of India, Somanur



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Branch as defense side witness in order to prove that he has no legally enforceable debt towards the respondent and he has issued stop payment instruction to his bank on 25.06.2019 with respect of the cheque in dispute along with another cheque. This Court is of the view that, if at all the petitioner wants to prove the stop payment instruction given by him, he could have approached the bank and have received the true copy of the letter as well as online copy of his bank statement, but without doing so, he had filed a petition to drag the bank officials to the court with a view to drag on the proceedings in S.T.C. By considering all the above aspects, the Trial Court has rightly dismissed the petition filed by the petitioner.

5. In view of the above, this Court finds no infirmity or illegality in the order dated 18.03.2025 passed in Cr.M.P.No.4196 of 2023 in S.T.C.No.276 of 2023 by the learned Judicial Magistrate, Sulur, Coimbatore District. Accordingly, this Criminal Revision Case stands dismissed. The Trial Court is directed to dispose of the case in S.T.C.No.276 of 2023, within a period of three (3) months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.



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Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp

To

The Judicial Magistrate, Sulur, Coimbatore District.



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G.K.ILANTHIRAIYAN, J.

sp

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