



Crl.R.C.No.881 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2025

CORAM:

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

Crl.R.C.No.881 of 2025

and

Crl.M.P.No.12016 of 2025

S.Savarimuthu

..... Petitioner

Vs

D.Mani Annadurai

..... Respondent

PRAYER: Criminal Revision Case is filed under Sections 438 r/w 442 of Bharatiya Nagarik Suraksha Sanhita to call for the records relating to C.M.P.No.1429 of 2024 in C.A.No.326 of 2023 on the file of the Principal District and Sessions Judge at Coimbatore and set aside the impugned order dated 25.02.2025 in C.M.P.No.1429 of 2024.

For Petitioner : Mr.S.Subramanian

For Respondent : Mr.R.Kaaveesh Raja



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ORDER

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This Criminal Revision has been filed as against the order dated 25.02.2025 passed in C.M.P.No.1429 of 2024 in C.A.No.326 of 2023 by the Principal District and Sessions Judge, Coimbatore thereby dismissed the petition filed under Section 391 of Criminal Procedure Code seeking to adduce additional evidence before the Appellate Court.

2. Heard the learned counsel appearing on either side and perused the materials placed on record.

3. The petitioner herein is the accused in the complaint lodged by the respondent for the offences punishable under Section 138 of Negotiable Instruments Act. After a full-fledged trial, the trial court found the petitioner guilty for the offences under Section 138 of Negotiable Instruments Act. Aggrieved by the same, the petitioner preferred an appeal before the Appellate court. While pending Appeal, the petitioner filed a petition under Section 391 of Cr.P.C to adduce additional evidence by examining the Bank Manager of the respondent herein.



WEB COPY 4. The case of the petitioner is that there was a material alteration in the cheque. Therefore, he wants to examine the Bank Manager of the respondent herein. During the trial, the petitioner herein already filed an application to send the cheque for expert opinion in respect of any material alteration. On the strength of the forensic lab report, the trial court convicted the petitioner. Now with the very same ground, the petitioner has filed an application before the appellate court to adduce additional evidence that too by examining the Bank Manager of the respondent. If there is any material alteration in the cheque, then the said Bank Manager of the petitioner ought to have returned the cheque for the reason there is material alteration, however, it was returned for the reason “Funds Insufficient”. Further, the said remedy was already exhausted before the trial court and therefore, examining the bank manager on the respondent side would not serve any purpose. The Bank Manager is only a forwarding agency thereby sending the cheque to the bank of the respondent for collection. Thereafter, an information is being sent by the respondent bank to the complainant bank. Therefore the Appellate court rightly dismissed the petition seeking to adduce additional evidence.



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G.K.ILANTHIRAIYAN, J.

Nhs

5. In view of the above, this Court is not inclined to interfere with the order dated 25.02.2025 passed by the Principal District & Sessions Judge, Coimbatore in C.M.P.No.1429 of 2014 in C.A.No.326 of 2023. The Appellate court is directed to dispose of the appeal on merits within a period of three months from the date of receipt of a copy of this order.

6. In the result, the Criminal Revision Case is dismissed. Consequently, the connected Miscellaneous Petition stands closed.

16.07.2025

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

To
The Principal District & Sessions Judge,
Coimbatore.

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