



Crl.RC.No.1125 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2025

CORAM:

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

Crl.RC.No.1125 of 2025 and
Crl.MP.No.14122 of 2025

M/s.Sri Balaji Granites,
Proprietor,
E.Arunavel Kumar,
No.69, 2nd Main Road,
VGP Layout, 3rd Part, Palavakkam,
Chennai 600 041

... Petitioner

Vs.

S.Mohan Kumar

.. Respondent

PRAYER: Criminal Revision Case filed under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the order passed by the learned XXVI Metropolitan Magistrate, Egmore, Chennai in Crl.MP.No.8220 of 2025 in CC.No.2903 of 2020 dated 02.07.2025.

For Petitioner : Mr.Y.Kajanavas

For Respondent : No appearance

ORDER

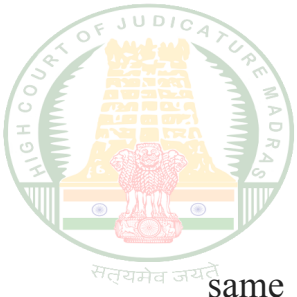


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This criminal revision case has been preferred against the order passed by the learned XXVI Metropolitan Magistrate, Egmore, Chennai in Crl.MP.No.8220 of 2025 in CC.No.2903 of 2020 dated 02.07.2025, thereby dismissing the petition filed under Section 294 Cr.P.C. praying to mark certain documents.

2. The petitioner is the accused in the complaint lodged by the respondent for the offence punishable under Section 138 of NI Act. Pending trial, the petitioner filed the aforementioned petition under Section 294 Cr.P.C. praying to mark the orders passed by this Court in WP.Nos.20831 & 20436 of 2022 and 19280 of 2023 dated 20.06.2024 and 16.08.2024. However, it was dismissed on the ground that the petitioner did not state that through whom the said documents were to be marked since already the petitioner was examined as DW1. The documents which are intended to be marked revealed that the petitioner had purchased property, in respect of which Ex.A5 and Ex.A6 were marked, for valid sale consideration. Thereafter, there was some dispute between the petitioner and his vendor. Hence, the petitioner filed the aforesaid writ petitions and all the writ petitions were allowed and the



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same were confirmed by the appellate court. The specific case of the petitioner's vendor's power of attorney was that the sale deed was executed on 20.01.2015 and the cheque was issued on 17.08.2019. The cheque was presented for collection. However, it was returned dishonoured for the reason 'funds insufficient'.

3. The learned counsel for the petitioner would submit that after period of three years from the execution of sale deed, the proceedings under Section 138 of NI Act was initiated. The aforesaid writ petitions were filed by the petitioner against the order passed by the District Registrar cancelling the sale deeds. However, all the writ petitions were allowed by this Court, thereby directing to cancel the sale deed. Therefore, those orders are vital documents to the case and as such, the petitioner filed the petition to mark the same.

4. Heard, the learned counsel for the petitioner and perused, all the materials placed before this Court. Though notice was served on the respondent, no one appeared on behalf of the respondent before this Court today either in person or through pleader.



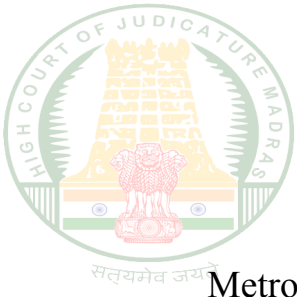
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5. Apart from the submissions of the learned counsel for the petitioner, it is found that the trial court cannot dismiss the aforementioned petition on the ground that the petitioner failed to state that through whom those documents are to be marked. It is unfortunate to state that the provisions under Section 294 of Cr.P.C. is very clear that a document can be marked before the trial court. It is relevant to extract the provisions under Section 294(3) of Cr.P.C. hereunder:

“Where the genuineness of any document is not disputed, such document may be read in evidence in any inquiry, trial or other proceeding under this Code without proof of the signature of the person to whom it purports to be signed: Provided that the Court may, in its discretion, require such signature to be proved.

6. Thus it is clear that if a document is not disputed, such document may be read in any enquiry. In view of the same, the impugned order cannot be sustained and the same is liable to be set aside. Accordingly, the impugned order passed by the learned XXVI



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Metropolitan Magistrate, Egmore, Chennai in Crl.MP.No.8220 of 2025 in CC.No.2903 of 2020 dated 02.07.2025, is set aside. The trial court shall directly mark the orders passed by this Court in WP.Nos.20831 & 20436 of 2022 and 19280 of 2023 dated 20.06.2024 and 16.08.2024 for evidence and complete the trial within the period of three months from date of marking those documents.

7. With the above directions, this criminal revision case stands allowed. Consequently, connected miscellaneous petition is closed.

06.08.2025

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