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CRL.RC.No.1324 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRL.RC.No.1324 of 2025
and CRL.M.P.No.15093 of 2025**

Mr.G.Ravikumar

...Petitioner

Vs

Mr.T.Deenadayalan

...Respondent

PRAYER

Criminal Revision Case filed under Section 438 & 442 of B.N.S.S., to call for the records in CrI.M.P.No.10380 of 2025 in S.T.C.No.7920 of 2024 on the file of the Learned Metropolitan Magistrate Fast Track Court II, Allikulam, Chennai and set aside the same and allow this revision petition considering the facts and circumstances of the case.

For Petitioner : Mr.V.S.Senthil Kumar

For Respondent : Mr.E.C.Eashwar Kumar



ORDER

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This criminal revision petition is filed by the petitioner challenging the order passed in CrI.M.P.No.10380 of 2025 in S.T.C.No.7920 of 2024 on the file of the learned Metropolitan Magistrate, Fast Track Court II, Allikulam, Chennai.

2.Heard learned counsel for the petitioner, learned counsel for the respondent and perused the materials available on record.

3.Learned counsel for the petitioner submitted that the respondent herein has preferred a complaint against the petitioner in S.T.C.No.7920 of 2024 before the Metropolitan Magistrate, Fast Track Court II, Allikulam, Chennai for the offence under Section 138 of the Negotiable Instruments Act and the same is pending. He further submitted that upon receipt of summons, he had appeared before the Trial Court and during examination, he had categorically stated that he lost the cheque book as early as October 2020 and had given a stop payment as early as on 27.10.2020 and the case was posted for defence side evidence. The petitioner had preferred a petition to call upon the Bank Manager as defence side evidence.



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4.Learned counsel for the respondent raised strong objection and submitted that only to drag the proceedings, the petitioner has come forward with the above petition. The petitioner filed petitions one after another and on the earlier occasion also, he filed a petition for exparte opinion.

5.On perusal of records, it is seen that the Trial Court held that the examination of Branch Manager is not necessary because it is in no way related to the Bank Manager, is not sustainable. The Trial Court failed to appreciate the fact that the alleged cheque was lost and thereafter, the petitioner gave a stop payment to the Bank Manager. This Court is of the view that one more opportunity to be given to the petitioner to put forth his defence.

6.Considering the above facts and circumstances and the submission made by the learned counsel on either side, this Court is inclined to set aside the findings of the Trial Court in and accordingly, the order passed by the Trial Court in Crl.M.P.No.10380 of 2025 in S.T.C.No.7920 of 2024 dated 02.08.2025 is set aside.



7. In view of the above, the Criminal Appeal stands allowed and the petition filed before the Trial Court in Crl.M.P.No.10380 of 2025 in S.T.C.No.7920 of 2024 is also allowed. Consequently, connected miscellaneous petition is closed.

8. Both the parties are directed to cooperate for the Trial Court proceedings.

22.09.2025

Index : Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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The Metropolitan Magistrate,
Fast Track Court II, Allikulam, Chennai.



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T.V.THAMILSELVI, J.

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