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CRL OP No. 22532 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 22532 of 2025 & CrI.M.P.No.15424 of 2025

1. Ramanathan

Son of Muthiyan, No.2/22, 18th Street,
Sidco Nagar, Villigakkam, Chennai -
600 049.

Petitioner(s)

Vs

1. Sudhakar Rao

Son of Mr.Kuppaiya Naidu, No.185,
Ambal Nagar, 3rd Street, Nallur,
Chennai - 600 052.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to set aside the Docket Order dated 20.06.2025 made in S.T.C.No.483 of 2021 (on the file of the Learned Judicial Magistrate Court-II, Ponneri) and allow this Original Petition and direct the Judicial Magistrate No-II, Ponneri to offer fair trial to the petitioner herein by executing the witness warrant issued as against the Bank Manager, Indian Bank, Redhills branch through the Jurisdictional police and cause production of the said witness before the court for the purpose of examination and may pass such other order as this Court.



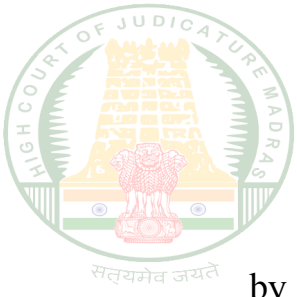
For Petitioner(s): Mr.E.Sevan

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ORDER

Challenge has been made to the docket Order of the learned Judicial Magistrate No.II, Ponneri in closing of the evidence of defence and posting the matter for arguments, in the present Criminal Original Petition.

2. The case of the petitioner is that he is arrayed as an accused in STC.No.483 of 2021 in the complaint filed by the respondent under section 138 of the Negotiable Instruments Act on the file of the Judicial Magistrate No.II, Ponneri. The petitioner took a stand that the cheques were altered and to substantiate his stand, he sought to examine bank Manger and filed a petition in M.P.No.3191 of 2024 to summon the Bank Manager. The said petition has been allowed by the trial Court on 08.10.2024. Despite summons served to the bank Manager, he has not appeared before the Court. Therefore, the trial Court had issued witness warrant to the Bank Manager. When the matter was posted on 20.06.2025, the Judicial Magistrate passed the following Order :



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“ Both parties present. Already witness warrant received by the counsel for accused. Today also witness Bank Manager not present. Hence, evidence on side of defence closed. For arguments call on 10.07.2025.

3. On 10.07.2025, the petitioner had filed a petition under section 311 Cr.P.C. in which the Court had passed the Order that an Order had already been passed by this Court to summon Bank Manager and bailable and non bailable warrant have been issued against the bank manager and hence, the petition with similar relief has been returned as not maintainable.

4. Admittedly the trial Court had permitted summons to the Bank Manager and summons have also been served on him. Despite receipt of summons, he has not appeared before the Court. It is relevant to note that disobeying the summons issued by the Court of law itself is a triable offence and it directs punishment up to six months under section 208 of BNS and section 174 of IPC. If a person has disobeyed the Order of the Court, it is for the



Magistrate to issue warrant to secure his presence. Having issued warrant, the

Court ought to have directed the police to execute the warrant. But trial Court

issuing the warrant to the counsel is highly deprecated and the warrant has to

issued to the police for execution.

5. Accordingly, this Criminal Original Petition is allowed and the docket Order of the Judicial Magistrate dated 20,06.2025 made in S.T.C.No.483 of 2021 is set aside. The trial Court shall issue warrant to witness and direct the police to produce the witness by executing the warrant before the Court. Consequently, connected miscellaneous petition is closed.

14-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

The Judicial Magistrate No.II,

Ponneri.



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N.SATHISH KUMAR J.

VRC

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