



Crl.O.P.No.23204 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.23204 of 2025

and

Crl.M.P.No.15863 of 2025

1.M/s.GYP System,

Represented by its Partner R.N.Suresh Yaadav,
No.50/39, Dr.Radhakrishnan Road,
Tatabad, Coimbatore – 641 012.

2.R.N.Suresh Yaadav

... Petitioners

Vs.

M/s.Covai Fiber Trading Company,
Represented by its Partner Babu Selvakumar,
No.2/26, Sri Kumaran Nagar,
Vilankurichi Main Road,
Sarvanampatty Post,
Coimbatore – 641 035.

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita to set aside the order dated 18.06.2025 in C.M.P.No.5 of 2025 in C.C.No.501 of 2018 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level II, Coimbatore.



CrI.O.P.No.23204 of 2025

WEB COPY

For Petitioners : Mr.K.Sudhakar

ORDER

Challenging the order of the learned Judicial Magistrate, Fast Track Court at Magisterial Level II, Coimbatore, dated 18.06.2025, made in C.M.P.No.5 of 2025 in C.C.No.501 of 2018, dismissing the application filed by the petitioners/accused under Section 311 Cr.P.C., the present Criminal Original Petition has been filed.

2.The petitioners are the accused in C.C.No.501 of 2018 for the offence under Section 138 of the Negotiable Instruments Act. The present application has been filed by the accused under Section 311 Cr.P.C. to reopen the case to summon the Income Tax authority for producing the permanent account maintained by the complainant company. However, the said application has been dismissed by the trial Court, challenging which, the present Criminal Original Petition has been filed.



CrI.O.P.No.23204 of 2025

WEB COPY

3.The very conduct of the petitioners indicates that the present application is nothing but to drag on the proceedings. In fact, the trial Court has clearly recorded the fact that the accused had earlier filed a petition to reopen the case for leading evidence on their side and the same was allowed with costs on 29.08.2022. Thereafter, when the matter was posted on 10.10.2022, 07.12.2022, 02.01.2023 and 08.02.2023, the defence side failed to examine the DWs due to which the evidence of DWs was closed on 08.02.2022. Even thereafter, the accused have filed similar petition on 14.07.2023 in C.M.P.No.8549 of 2023 and the same was also allowed on 11.09.2023. Once again, the accused have filed another petition in C.M.P.No.1894 of 2024 to recall P.W.1 for cross-examination and the same was allowed with costs on 15.03.2024. After completion of cross-examination on 17.03.2025, the case was posted for examination of D.Ws. However, the accused had not commenced examination of D.Ws., and therefore, evidence of D.Ws. was closed on 09.04.2025 and the case is posted for arguments on 28.04.2025. In such circumstances, the accused have once again come up with the present application to reopen the



Crl.O.P.No.23204 of 2025

WEB COPY

evidence. All these factual aspects clearly indicate that the application has been filed only to drag on the proceedings. Once cheque has been issued from the account maintained by the accused, normally, the statutory presumption gets attracted against the accused. To probabilise their case, the accused have already been given so many opportunities. Therefore, this Court finds that the present application is nothing but to drag on the proceedings. Hence, I do not find any merit in this petition.

4. Accordingly, this Criminal Original Petition is dismissed.
Consequently, connected miscellaneous petition is closed.

21.08.2025

mkn

Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

To

The Judicial Magistrate,
Fast Track Court at Magisterial Level II,
Coimbatore.



WEB COPY



CrI.O.P.No.23204 of 2025

N. SATHISH KUMAR, J.

mkn

CrI.O.P.No.23204 of 2025



WEB COPY



CrI.O.P.No.23204 of 2025

21.08.2025