



WEB COPY

CRL RC No. 1540 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1540 of 2025

AND

CRL MP NO. 16060 OF 2025

S.Kannagi,
W/o. Selvanambi, Plot No.3, First
Street, Swamy Malai Nagar, Old
Pallavaram, Chennai - 600117.

Petitioner(s)

Vs

S.Loganayaki
W/o. Sivakumar, No.15/7, P.V.Koil
Street, Royapuram, Chennai - 600013.

Respondent(s)

CRL RC No. 1540 of 2025

PRAYER

To call for the records pertaining to the order in CrI.MP.No.1/2025 in CrI.A.No.44/2024 dated 01.08.2025 on the file of the Court of I Additional (TADA) City Civil and Sessions Court at Chennai and set aside the same.



CRL MP No. 16060 of 2025

PRAYER

To Stay all the further proceedings in the CrI.A.No.44/2024 pending on the file of the Court of I Additional (TADA) City Civil and Sessions Court at Chennai till the disposal of the main CrI.RC.

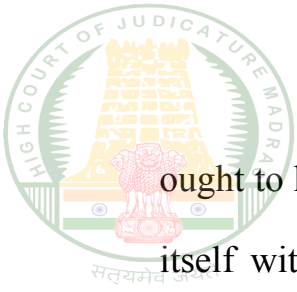
For Petitioner(s): Mr.R.Prabhavathy

For Respondent(s): Mr.D.Uma Shankar

ORDER

Challenging the impugned order dated 01.08.2025 passed in CrI.M.P.No.1 of 2025 in CrI.A.No. 44 of 2024 by I Addl. (TADA) City Civil and Sessions Judge, Chennai, the petitioner preferred this Criminal Revision Case.

2. The learned counsel for petitioner would submit that he was convicted by the trial court under Sec.138 of Negotiable Instruments Act. Against which, he preferred an appeal in CrI.A.No.44 of 2024 , which is pending before the I Addl. (TADA) City Civil and Sessions Court, Chennai, wherein he filed an application to receive additional documents viz., reply notice dated 20.05.2019 and acknowledgement card of the year 2019 and those documents are very much necessary to prove his defence. That application was objected by the defacto complainant. On hearing both sides, the trial judge has held that he



ought to have been produced those documents before the trial court proceedings itself with due diligence, without which, at the appellate stage, he produced those documents as such it cannot be accepted and accordingly, the petition was dismissed. Challenging the said findings, now this Criminal Revision Case has been filed stating that he has handed over those documents before the trial court, but counsel for respondent had suppressed those documents. Therefore, there is no negligence on his part and submitted that he is having valid defence and the filing of those documents are very much necessary.

3. The learned counsel for respondent raised objections stating that during the cross-examination of P.W.1, the questions were put forth with regard to the said reply notice, but the same was not produced for the best reasons known to her.

4. Heard and considered rival submissions made by both learned counsel for petitioner and respondent and perused the materials available on record.

5. On seeing the facts, it reveals that Sec.138 under N.I. Act proceedings was initiated against the petitioner by the respondent in the year 2019 and after issuance of mandatory notice, according to the petitioner, he gave the reply notice in the year 2019 itself. But, that reply notice and acknowledgement card was produced before the trial court. That may be negligence on the side of



advocate for non-production of those documents, for that, litigant ought not to have been prejudiced. Therefore, in order to give one more opportunity to the petitioner to prove her defence, this Court is inclined to grant permission to the petitioner to produce those documents and liberty is also granted to the respondent to raise her defence to that effect. Accordingly, this Criminal Revision Case is allowed and the findings rendered by the trial court in CrI.M.P.No. No.1 of 2025 in CrI.A.No.44 of 2024 is set aside. Consequently, the connected Criminal Miscellaneous Petition is closed.

19-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

I Addl. (TADA) City Civil and Sessions Court, Chennai.



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T.V.THAMILSELVI J.

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