



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-12-2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

**CRL RC No. 1646 of 2025
& Crl MP No.16811 of 2025**

I.Jayalakshmi
W/o.M.Iniyarasu, Flat No.2, Breeze
Apartments, EVR Lane, No.183,
P.H Road, Kilpauk Gardens,
Chennai - 600 010

Petitioner(s)

Vs

A.S.M.Karthick Kumar
S/o.A.N.Alagirisamy, Proprietor,
M/s.Kallalagar Enterprises, No.C-1/99,
Dr.Selvi Jayakumar Street,
Golden George Nagar,
Chennai - 600 107

Respondent(s)

PRAYER

This Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS Act, 2023, to set aside the order dated 07.07.2025 passed in Crl M.P.No.17635/2024 in CA No.484/2023 by the XVII Additional District Judge, City Civil Court, Chennai and permit the Appellant to adduce additional Evidence, namely the bank transactions/statements of HDFC Account No.12841000010432 for period 01.01.2013 to 30.05.2015 in CA No.484/2023

For Petitioner(s): Mr.Meiyappan Mohan

For Respondent(s): Mr.K.Poomalai



ORDER

The Revision Petition has been filed challenging the order passed by the XVII Additional District and Sessions Judge, City Civil Court, Chennai dismissing the petitioner's application filed under Section 391 Cr.P.C., to produce the bank statement pertaining to account no.12841000010432 for the period from 01.01.2013 to 30.05.2015 as additional evidence.

2.The petitioner is an accused in a case instituted under Section 138 of the Negotiable Instruments Act. The petitioner is said to have issued a cheque for a sum of Rs.24,19,400/- towards discharge of her liability towards the respondent herein, that when the said cheque was presented before the bank, it was dishonoured for the reason 'funds insufficient' and in spite of statutory notice being issued, the petitioner did not make the payment.

3.The petitioner was convicted by the trial Court and sentenced to undergo 2 months simple imprisonment and directed to pay a compensation of Rs.24,19,400/- to the respondent. The petitioner had challenged the said judgment before the Additional District and Sessions Judge, which is pending in CA.No.484 of 2023. During the pendency of the appeal, the petitioner had filed a petition under Section 391 Cr.P.C., for production of the above referred statement, which came to be dismissed by the learned Sessions Judge. The said order is impugned in this Revision.



4.The learned counsel for the petitioner submits that the petitioner and the respondent are close relatives; that there several transactions between the petitioner and the defacto complainant; that the petitioner, in order to rebut the statutory presumption under Section 139 of the NI Act, has to produce the aforesaid statement; that the petitioner had sought for production of the said document before the trial Court; which was dismissed; that before the petitioner could challenge the said order, the trial Court had convicted the petitioner and passed the Judgment convicting the petitioner.

5.The learned counsel for the respondent however would submit that the petition has been filed before the Appellate Court only to delay the appeal, that in fact the respondent himself wanted to mark certain documents, which has been objected to by the petitioner and that, apart from the bank statement, the petitioner intends to mark certain irrelevant documents and therefore, the impugned order may not be set aside and prayed for dismissal of the present Revision.

6.It is seen from the impugned order that the petitioner had only sought for the production of the bank statement for the period between 01.01.2013 and 30.05.2015. This Court sees no reason to reject the said request, provided the document that is sought to be produced by the petitioner satisfies the



requirements under the Evidence Act. The learned counsel for the respondent has no objection for reading the said document in evidence, under Section 294 Cr.P.C., provided it is properly certified.

7.Hence, the impugned order is set aside and the petitioner is permitted to produce the statement of accounts as prayed for by him, provided it is duly certified. If the respondent has any objection as regards the admissibility or genuineness of the document, it is open to the respondent to challenge the same. It is needless to say that if the respondent intends to file an application under Section 391 Cr.P.C., for production of any other document, the same may be considered by the Sessions Judge in accordance with law.

8.With the above observations, the Revision is disposed of. Consequently, the connected criminal miscellaneous petition is closed.

09-12-2025

Tsg
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



WEB COPY

CRL RC No. 1646 of 2025



SUNDER MOHAN J.
Tsg

**CRL RC No. 1646 of
2025**

09-12-2025