



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 24413 of 2025

and

Crl.M.P.No.16691 of 2025

1. M/s.Sri Kandasamy Traders
Rep by its Proprietor Mr.R.Rajan,
No.195, L.F.Road, Vadakkanandal Post,
Villupuram, Tamil Nadu-606 207.

2. R.Rajan (Proprietor/authorized
Signatory of M/s. Kandasamy Traders)
No.349, South Street, Mathur,
Villupuram-606 207.

Petitioner(s)

Vs

M/s.Green Malabar Finance Ventures Ltd
Rep by its authorised Signatory Mr. K.R.Vijay,
Awifs Space Solutions Primus Building,
Door No.SP-7A, Room No.207, 2nd Floor,
Guindy Industrial Estate, Chennai-600032.

Respondent(s)

PRAYER

This Criminal Original Petition has been filed under Section 528 of BNSS to call for the records of the proceedings in Crl.M.P.No.9826 of 2025 in STC No.8348 of 2024 on the file of the Metropolitan Magistrate FTC-II, Egmore,



Allikulam, Chennai, revise and set aside the order dated 18.07.2025 passed by the said Learned Judge and consequently dismiss the said Crl.M.P.No.9826 of 2025 on the file of the aforesaid Court.

For Petitioner(s): Mr.K.Sendurpandi

ORDER

Challenge has been made to the order of the Trial Court allowing the application filed by the respondent/complainant to recall his evidence for marking a loan agreement dated 25.08.2023 .

2. The main grievance of the petitioner is that no opportunity was given to file a counter and the application was filed only to fill up the lacuna in the respondent/complainant's case.

3. At this stage, this Court is of the view that the complaint has been filed under Section 138 of N.I. Act. Admittedly, what is sought to be marked is only a loan agreement said to have been executed by the petitioner herein. Though an opportunity given to file a counter, the petitioner herein has not chosen to



do so. Therefore, the petitioner cannot now contend that allowing the application would amount to filling up the lacuna.

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4. In view of the above, this court is of the view that the contention of the petitioner has no force. If the petitioner herein has not executed the alleged loan agreement, it is for the petitioner to establish the same before the Trial Court, and not by merely filing a counter to the application. Hence, I do not find any merit in the petition.

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

08-09-2025

Neutral Citation: Yes/No
mrp

To
The Metropolitan Magistrate, FTC -II



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N.SATHISH KUMAR J.

mrp

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