



WEB COPY

CRL RC No. 1979 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 03-09-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CRL RC No. 1979 of 2024**

**AND**

**CRL MP NO. 16139 OF 2024**

S.Selvaraj

Petitioner

Vs

Selvamani

Respondent

**CRL RC No. 1979 of 2024**

**PRAYER**

To call for the records and set aside the order dated 10.09.2024 made in CrI.M.P.No.125 of 2023 in CrI.A.No.110 of 2022 on file of Special Court for Trial of SC ST CASES, NAMAKKAL by allowing this Criminal Revision Petition.

For Petitioner: Mr.S.Ranjith Kumaran for  
Mr. R.Prabakar

For Respondent: Mr.S.Senthil



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**ORDER**

Challenging the impugned order passed by the Special Court for trial of SC/ST cases, Namakkal in Crl.M.P.No.125 of 2023 in Crl.A.No.110 of 2022, the petitioner/accused preferred this Criminal Revision Petition.

2. Before the trial court, the petitioner filed an application under Sec.391(1) of Cr.P.C. to receive the additional documents and registration certificate of Nachiappa Transport in order to prove that the petitioner was not running Nachiappa transport as a proprietary concern and it is a partnership firm, in which wife is also one of partner. To prove the same, he wanted to file additional documents. The said petition was strongly objected by the respondent stating that before the trial court, he has not produced those documents and his wife was also examined. In spite of that, they have not produced. Now only to drag on the proceedings, he had produced those documents, which are irrelevant to the proceedings. Therefore, he prayed to dismiss this petition. Considering the fact that there was no defence taken by the appellant that his wife is the

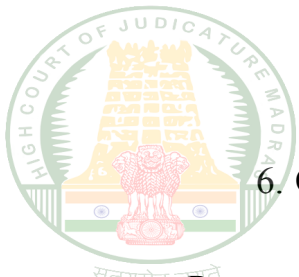


partner of Nachiappa Transport before the trial court, but in the first appellate court, he has produced documents by taking a new defence as such not permissible. Accordingly, the petition was dismissed. Challenging the said findings, now the petitioner preferred this Criminal Revision Petition.

3. The learned counsel for petitioner argues that the first appellate court failed to take note of the fact that the subject matter of cheque was issued in the name of registered Nachiappa transport, which is a partnership firm, so, the complaint as such is not maintainable in view of Sec.141 of Negotiable Instruments Act read with Sec.391 of Cr.P.C. Therefore, there is an error in passing the order of conviction. Hence, those documents are necessary to submit his defence.

4. The learned counsel for respondent raised objections stating that the appeal as such is not maintainable for the reason that before the trial court, he has not taken any defence and during the appeal proceedings, he has raised the said defence, which is not permissible under law.

5. Heard and considered rival submissions made by both learned counsel for petitioner as well as respondent and perused materials available on record.



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6. On seeing the facts, the prima facie case is that Nachiappa transport is a Partnership firm, in which wife is also one of partner. But, on a bare perusal of cheque, it was also issued for Nachiappa Transport. Therefore, whether Nachiappa transport is a proprietary concern nor partnership firm is the issue to be decided, but without considering the said legal proposition, the first appellate court has erroneously dismissed the petition. Therefore, the findings of trial judge in Crl. M.P.No. 125 of 2023 in Crl.A.No. 110 of 2022 is set aside and this Criminal Revision Case is allowed.

**03-09-2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

Special Court for trial of SC/ST Cases, Namakkal.



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**T.V.THAMILSELVI J.**

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