



Crl.O.P.No.25619 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.25619 of 2025 & Crl.M.P.No.17379 of 2025

1.ERM Exports
Rep by Sole Proprietor
Murugan

2.Murugan

... Petitioners

Vs.

Jaganathan

... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to call for the records of the order in Crl.M.P.No.1 of 2025 in STC.No.84 of 2024 on the file of the learned Judicial Magistrate No.I, Tindivanam and set aside the same.

For Petitioners : Mr.S.Murugan

ORDER

Challenging the order of the Trial Court dismissing the petition filed under Section 91 of CrPC to summon the complainant to produce the documents, viz., Bank Statement of account of the complainant for period 01.01.2015 to 20.10.2023 and IT returns filed by the complainant along with the statement of assets and liability as on from 2018 to 2024.

2. The Trial Court has rejected the application on the ground that there



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is no averments as to the specific relevancy and the requirement at all. Be

that as it may, admittedly, the petitioner is arrayed as an accused under

Section 138 of Negotiable Instruments Act, the burden lies on the petitioners to rebut the legal presumption and it is for the petitioners to establish their case. If the petitioners want to examine and rebut the legal presumption, it is for them to take notice to the respondent/complainant to produce the documents, if at all, the documents are not produced, the petitioners can seek adverse inference against the complainant. Still, the petitioners want to rely upon the documents, nothing prevented them from taking summons to the concerned Bank Manager to produce accounts as well as IT Department to produce documents to prove their case.

3. Such view of the matter, I do not find any merits in this petition and this petition stands dismissed, accordingly. Consequently, connected miscellaneous petition stands closed.

18.09.2025

dhk

Neutral Citation : Yes/No

Internet : Yes/No

To

1. Judicial Magistrate No.I, Tindivanam

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2. The Public Prosecutor,
High Court of Madras.

N. SATHISH KUMAR, J.



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