



CrI.O.P.No.27048 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.27048 of 2025

M/s.Sai Agency

Rep by its Partners

Mrs.Geetha Jain & Mr.Sushil M Jain

... Petitioner

Vs.

A.Naveena

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and set aside the order dated 29.07.2025 passed by the learned Metropolitan Magistrate (Fast Track Court-I at Magistrate Level, Allikulam, Egmore, Chennai.

For Petitioner : M/s.R.Meenakshi Devi

ORDER

Challenge has been made by the complainant to the order passed by the Trial Court allowing the accused to examine the witnesses 3 to 6 as defence witnesses and dismissing with respect to the witnesses 1 and 2.

2. The petitioner is the complainant and the respondent is the accused in the cheque complaint in STC.No.9904 of 2024.

3. Though the accused sought to examine 6 witnesses, the Trial Court



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has allowed only examination of witnesses 3 to 6. An Application has been taken out by the accused contending that there was no privity of contract between the complainant and the accused. The accused husband had borrowed amount from the complainant's sister concern namely Royal Agencies, therefore, in order to establish her stand, she has taken an application to issue summons and examine six witnesses as defence witnesses related to the sister concern of the complainant. The Trial Court vide impugned order has partly allowed the application allowing the accused to examine the witnesses 3 to 6 as defence witnesses and dismissing with respect to the witnesses 1 and 2. Challenging the said order, the present petition has been filed by the petitioner/complainant.

4. Heard the learned counsel for the petitioner and perused the materials placed on record.

5. On perusal of the entire materials and discussion of the Trial Court, this Court is of the view that when the defence put forth as by the accused that there is no privity of contract, an opportunity should be given to the parties to establish their stand, therefore, merely because the witnesses were summoned from the sister concern and other two said to be



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third parties, that may not be a ground for the complainant to oppose such

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cross examination. As far as the complaint under Section 138 of NI Act, statutory presumption already stares at the accused. Though it is rebuttable presumption; to rebut such presumption, there must be some materials, it may be way of evidence or admission etc, Therefore, when the accused has taken steps to prove his stand, it cannot be said that the order is perverse. Hence, I do not find any merits in this petition.

6. Accordingly, this petition stands disposed of. The Trial Court shall dispose of the main case within a period of two months.

07.10.2025

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Neutral Citation: Yes/No

To

1. The Metropolitan Magistrate
(Fast Track Court-I at Magistrate Level), Allikulam, Egmore, Chennai.

2. The Public Prosecutor,
Madras High Court

N. SATHISH KUMAR, J.



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