



Crl.O.P.No.5826 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5826 of 2025
and Crl.M.P.No.3775 of 2025

A. Loganathan		... Petitioner
	Versus	
M. Karthikeyan		... Respondent

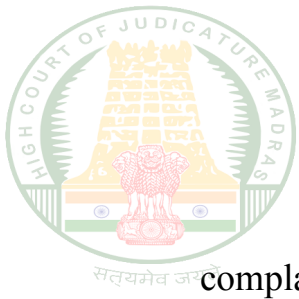
PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 23.09.2024 in C.M.P.No.1890 of 2024 in S.T.C.No.334 of 2022 on the file of the learned District Munsif Cum Judicial Magistrate, Kodumudi, Erode District.

For Petitioner	:	Mr. K. Ponraj
For Respondent	:	No Appearance (notice served)

ORDER

This Criminal Original Petition has been filed to set aside the order dated 23.09.2024 in C.M.P.No.1890 of 2024 in S.T.C.No.334 of 2022 on the file of the learned District Munsif Cum Judicial Magistrate, Kodumudi, Erode District.

2. The gist of the case is that the respondent is the defacto



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complainant, who had lodged a complaint against the petitioner. Based on which, a case was registered for the alleged offence under Section 138 and 142 of Negotiable Instruments Act, 1881 before the District Munsif Cum Judicial Magistrate, Kodumudi, Erode District in S.T.C.No.334 of 2022, in which, the respondent/defacto complainant had filed a petition in C.M.P.No.1890 of 2024 under Section 254(2) of the Criminal Procedure Code, (Cr.P.C.), 1973, seeking permission to examine some of the witnesses on his behalf. However, the said petition was dismissed on 23.09.2024, on the ground that there was no valid or special reason to issue summons to those witnesses. The petitioner, being the accused, contends that the examination of the entire witnesses is necessary to prove the case, and hence, has filed the present petition.

3. Though notice was served on the respondent and name was printed in the cause list, none appeared on behalf of the respondent either through counsel or pleader.

4. Heard the learned counsel for the petitioner and perused the



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materials available on record.

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5. Considering the facts and circumstances of the case, and the submissions made by the learned counsel for the petitioner, it would be appropriate to give the petitioner an opportunity to examine the witnesses.

6. In view of the above, the order in C.M.P.No.1890 of 2024 in S.T.C.No.334 of 2022, dated 23.09.2024 passed by the learned District Munsif Cum Judicial Magistrate, Kodumudi, cannot be sustained and is hereby set aside. However, the petitioner is directed to pay the witness fees (Batta), within three (3) days after summoning the witnesses.

7. With the above observation and direction, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is also closed.

18.03.2025

Neutral Case Citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1.The District Munsif Cum Judicial Magistrate,
Kodumudi, Erode District.

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and
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