



Crl.R.C.No.2731 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C.No.2731 of 2025

and

Crl.M.P.No.23931 of 2025

Joseph Stalin Augustine
Managing Director of M/s.S.Peterson Impex Private Limited,
T-6, 2nd Floor, Padmaraj Complex,
Gaddigodam, Kamptee Road,
Nagpur, Maharashtra – 440 001.

...Petitioner

-Vs-

Sri Saravana Spinning Mills Pvt. Ltd.,
Rep. by Ganesh,
A private Limited Company,
Having their Administrative Sale Office at,
No.6, J.R.M.Campus,
Perichipalayam North, Dharapuram Road,
Tiruppur.

...Respondent

PRAYER: Criminal Revision Petition is filed under Sections 438 r/w 442 of BNSS, 2023, praying to set aside the order dated 11.08.2025 in Crl.M.P.No.58 of 2025 on the file of the learned Judicial Magistrate (Fast Track) Court, Tiruppur.

For Petitioner : Mr.Deepanuday



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ORDER

The revision petition challenges the dismissal of the petitioner's application filed under Section 254(2) of the Code of Criminal Procedure, 1973, to summon an Investigating Officer in another case instituted at his instance to prove his defence with the case instituted against him under Section 138 of the Negotiable Instruments Act.

2. The petitioner is the Managing Director of S.Peterson Impex Private Limited; and is prosecuted along with the said company for the offence under Section 138 of the Negotiable Instruments Act. The allegation against the petitioner is that he had issued a cheque on behalf of the company for a sum of Rs.8,40,000/- towards discharge of the company's liability; that when the said cheque was presented for collection, it was returned with the endorsement "Insufficient Funds"; that in spite of issuance of statutory notice, the company did not make any payment; and that the petitioner is vicariously liable.

3. During the course of trial, the petitioner examined D.W.1 and D.W.2; and thereafter filed an application under Section 254(2) of the Code of Criminal Procedure, 1973, to summon the Investigating Officer in



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C.C.No.884 of 2017. The said case was instituted at the instance of the petitioner against all of his employee. The said application was dismissed by the Trial Court on the ground that the said case has no relevance to the instant case.

4. The learned counsel for the petitioner, however, would submit that the petitioner had not signed the cheque, that one Mr. Balasubramaniam had signed the cheque; that the said person was taking care of the business and employees; and that he had committed fraud; that therefore, the petitioner had lodged a complaint, which culminated in C.C.No.884 of 2017, now pending trial; and that the statement of the respondent recorded by the Investigating Officer during the course of investigation in C.C.No.884 of 2017 would establish that the petitioner is not liable for the offence under Section 138 of the Negotiable Instruments Act; and that said statement has to be proved through the Investigating Officer, and that therefore his evidence is necessary.

5. This Court is of the view that the said statement, recorded under Section 161 of the Code of Criminal Procedure, 1973, would have no evidentiary value. The same cannot be marked in the present proceedings.



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Therefore, there is no infirmity in the impugned order rejecting the petitioner's request for examination of the Investigating Officer in C.C.No.884 of 2017.

6. However, it is needless to mention that this would not bar the petitioner from otherwise establishing, before the Trial Court, that the cheque was issued by his employee without his knowledge.

7. With the above observation, this criminal revision petition is dismissed. Consequently, the connected miscellaneous petition is closed.

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To

The Judicial Magistrate (Fast Track) Court, Tiruppur.



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SUNDER MOHAN, J.

cda

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