



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2025

WEB COPY

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 29098 of 2025

and

Crl.M.P.No.19728 of 2025

V.Rameshkumar

Petitioner(s)

Vs

Chellappan Kandasamy

Respondent(s)

PRAYER

This Criminal Original Petition has been filed under Section 528 of BNS to set aside the order dated 04.08.2025 made in CMP.No.174 of 2025 in STC.No.153 of 2021 on the file of the Learned Judicial Magistrate, Fast Track Court (ML), Dharmapuri by allowing this Criminal Original Petition.

For Petitioner(s): Mr. N. Manokaran

For Respondent: Mr.R.Vinothraja,
Govt. Advocate (crl.side)



ORDER

Challenging the order passed by the learned Judicial Magistrate, Fast Track Court(ML), Dharmapuri, in Crl.MP No.174 of 2025, dated 04.08.2025, the present petition has been filed.

2. The petitioner is facing trial in STC.No.153 of 2021 on the file of the Judicial Magistrate, Fast Track Court (ML), Dharmapuri for the offence under Section 138 of the Negotiable Instruments Act.

3. In the said case, the petitioner had filed a petition in CMP No.174 of 2025 seeking to summon the Branch Manager of Federal Bank, Alagapuram Branch, Salem, to produce certain documents relating to the firm run by the petitioner and another. The respondent had filed a counter stating that the petition has been filed only to protract the proceedings. Upon consideration, the Trial Court had dismissed the petition, finding that it had been filed only to delay the proceedings. Aggrieved by the said order, the present petition has been filed.



4. The learned counsel for the petitioner would submit that the petitioner had been diligently following the case. Earlier, though a petition under Section 243(2) Cr.P.C. has been ordered, as the Bank manager had not appeared before the Court with relevant documents, the petitioner was unable to examine him. Hence, the present petition had been filed, whereas the Trial Court found that the petition has been filed only to protract the proceedings and accordingly dismissed the same.

5. I have heard both sides and perused the materials available on record carefully.

6. Admittedly, in STC.No.153 of 2021, trial commenced in the year 2021 itself and the petitioner had earlier filed an application in Crl.M.P. No.21 of 2025 to summon the Bank Manager of Federal Bank, Alagapuram, Salem, which was allowed. When the Manager had appeared before the Court, he was not examined and thereafter, he had been sent back. Subsequently, the petitioner filed another petition in Crl.M.P. No.174 of 2025 seeking the same relief. Even



in the said petition, the petitioner has not mentioned what specific documents are required to be produced by the Bank Manager. The Trial Court, therefore, rightly found that the petition has been filed unnecessarily only to delay the proceedings and dismissed.

7. This Court also perused the adjudication notes/document order. On perusal, it is seen that the questioning under Section 313 Cr.P.C. has been completed as early as 01.11.2022. Thereafter, the case was posted for several hearings, but the accused failed to appear before the Court. He had also filed a petition under Section 317 Cr.P.C. before the Trial Court. Further, on perusal of the petition, it is seen that the petitioner has not explained why it is necessary to examine the Bank Manager. If the petitioner intends to prove his financial status, he could very well examine himself as a defence witness. It is also admitted by the learned counsel for the petitioner that the case now stands posted on 04.11.2025 for judgment. The conduct of the petitioner clearly indicates that the petition has been filed only to protract the trial.



8. Hence, this Court finds no merit in the contentions of the petitioner and finds no infirmity in the order passed by the learned Magistrate.

9. In view of the above, this Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petition is closed.

27-10-2025

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mrp

To

The Judicial Magistrate

Fast Track Court (ML)

Dharmapuri.



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A.D.JAGADISH CHANDIRA J.

mrp

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