



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2586 of 2025

AND

CRL MP NO. 22748 OF 2025

1. G.Selvakumaravel
S/o.Gurusamy, Near by Government
School, Mylambadi, Bhavani, Erode
638 314.

Petitioner(s)

Vs

1. P.Theivani
W/o.Palanisamy, No.15/521, Amman
Nagar, Urachikottai,
Kuruppanaickenpalayam, Bhavani,
Erode - 638 301.

Respondent(s)

PRAYER

To set aside order dated 25.09.2025 made in Crl.M.P.No.10 of 2025 in S.T.C.No.163 of 2024, on the file of Judicial Magistrate Court-1, Bhavani by allowing this petition and thus render justice.

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For Petitioner(s): R.Prabakar
P.Marudhupandiayan
S.Selvi
S.Ranjithkumaran
M.Sarada Devi
S.Vignesh



For Respondent:

ORDER

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This Criminal Revision Case has been filed to set aside order dated 25.09.2025 made in Crl.M.P.No.10 of 2025 in S.T.C.No.163 of 2024, on the file of Judicial Magistrate Court-1, Bhavani.

2. The petitioner herein filed petition before the Trial court under Section 277(2) of BNSS to examine one Mahalingam S/o. Srinivasan and Thangaraj S/o. Shanmugam, who were witness to the payment of chit transaction and whose names have already been referred in the reply notice of the petitioner dated 01.04.2024/Ex.P7 itself. On hearing both sides, the Trial Court dismissed the petition by holding that the petition has been filed in order to drag on the proceedings. Aggrieved over the same, the petitioner filed this Criminal Revision Case.

3. The learned counsel for the petitioner submits that the while giving reply notice itself the petitioner has mentioned about the said Mahalingam S/o. Srinivasan and Thangaraj S/o. Shanmugam, who were witness to the payment of chit transaction to prove his case the petitioner wants to examine the said persons. If the opportunity is not given to the petitioner his valuable right will be defeated. Hence, he prays to allow this Revision case.



4. Heard the submission of the learned counsel for the petitioner.

5. Considering the facts of the case, in his reply notice dated 01.04.2024 the petitioner has already mentioned about the said Mahalingam S/o. Srinivasan and Thangaraj S/o. Shanmugam, who were witness to the payment of chit transaction. Further, the petitioner denied the alleged cheque amount claimed by the complainant, thereby she contend that there is no legally enforceable debt between the petitioner and the complainant. As discussed above, the petitioner had mentioned about the said witnesses while issuing reply notice itself not at the stage of Trial but the Trial Court failed to appreciate the said reply notice erroneously dismissed the petition filed by the petitioner to examined the said witnesses as such is erroneous. Hence, this Court is inclined to give opportunity to the petitioner to examine the said witnesses. Accordingly, Crl.MP. No. 10 of 2025 in S.T.C no. 163 of 2024 is allowed.

6. In the result, this Criminal Revision Case is allowed. Pending petition, if any, is/are closed.

28-11-2025

pbl
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
To
The Judicial Magistrate Court-1, Bhavani.



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T.V.THAMILSELVI J.
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