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CrI.O.P.No.34224 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.34224 of 2025
and CrI.M.P.No.23975 of 2025

M/s.Sri Kamatchi Traders,
Represented by its Proprietor,
Mr.Chandramohan,
No.14-9, Kailasam Street,
Chennai-21.

... Petitioner

Vs.

Saravana Traders,
Represented by Prop.
Mr.Jayavel
No.11, Somu Chetty Street,
1st Lane, Royapuram,
Chennai-13.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita to call for the records relating to the order passed in CrI.M.P.No.3560 of 2025 in S.T.C.No.1936 of 2022 by the FTC-IV Metropolitan Magistrate Court, George Town, Chennai on 23.09.2025 and to set aside the same.

For Petitioner : Mr.D.Vivekanandan



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ORDER

This criminal original petition has been filed to set aside the order in CrI.M.P.No.3560 of 2025 dated 23.09.2025 passed by the FTC-IV Metropolitan Magistrate Court, George Town, Chennai, dismissing the petition filed under Section 311 Cr.PC. to re-open the defence side evidence.

2. The brief facts of the case are as follows :-

2.1. The complaint under Section 138 of the Negotiable Instruments Act was filed by the respondent against the petitioner before the learned IV Fast Track Court, George Town, Chennai, in S.T.C.No.1936 of 2022. Thereafter, the petitioner had filed a petition in CrI.M.P.No.2846 of 2025 in S.T.C. No.1936 of 2022 on the file of the Metropolitan Magistrate, Fast Track Court-IV, seeking issuance of summons to the bank officer for production of documents. The Trial Court, by order dated 11.03.2025, had dismissed that petition.

2.2. Subsequently, the petitioner had filed a petition in CrI.M.P.No.3560 of 2025 in S.T.C.No.1936 of 2022 to re-open and examine himself as a defence witness. The Trial Court, by order dated 23.09.2025,



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had dismissed that petition. Aggrieved by the same, the present petition has been filed.

3. The learned counsel for the petitioner would submit that the Trial Court, without understanding the necessity and need, had dismissed the petition. Hence, he seeks setting aside of the impugned order.

4. Heard the counsel and perused the materials available on record.

5. The petitioner is an accused facing trial. The petitioner had earlier filed the petition under Section 91 Cr.P.C. and Section 94 of BNSS, 2023 to issue summons to the bank manager for production of documents. The said petition was dismissed on 11.03.2025 and after 6 months, the petitioner had filed the petition in CrI.M.P.3560 of 2025 in S.T.C.No.1936 of 2022 to re-open the defence evidence in order to bring documents on his behalf. The Trial Court, finding that the petitioner has not stated any details of the proposed documents and how they are relevant with the alleged business transactions between the complainant and accused, had dismissed the petition.



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6. When a person comes to the Court with a petition, he is expected to assign reasons that made him file the petition, besides giving the required details in support of his claim. This is miserably absent in this case.

7. Considering the above facts and circumstances of the case, this Court does not find any infirmity in the order passed by the learned Trial Judge. Therefore this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

16.12.2025

Neutral Citation: Yes/No
MRN



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To

1. FTC-IV Metropolitan Magistrate Court,
George Town, Chennai
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

(MRN)

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