



CRL OP(MD). No.1645 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 31/10/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.1645 of 2025
and
Crl.M.P(MD) No.1121 of 2025

R.Sivakumar

... Petitioner

Vs

John Kennedy

... Respondent

PRAYER :- This Criminal Original Petition is filed under Section 528 BNSS, to call for the records relating to the impugned order passed by the learned Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli in Crl.M.P.No.10 of 2024 dated 16.10.2024 and set aside the same.

For Petitioner : R.J.Karthick

For Respondent : Mr.S.Palanivelayutham
Government Advocate (Crl.Side)

ORDER

The petitioner seeks to set aside the order dated 16.10.2024 passed in Crl.M.P.No.10 of 2024 by the learned Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli, by which the learned



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Magistrate dismissed the application filed by the petitioner to recall the P.W1 to mark certain documents.

2.The learned counsel for the petitioner would submit that the documents such as Annual Tax Statements of the petitioner for the years 2022-23 and 2023-24, Form 16A Income Tax Form, Cheque and the statement of HDFC Bank for the year 2012 are relevant to establish the earlier financial transactions between the petitioner and the respondent and that if the petitioner is not allowed to mark those documents, he would be put to irreparable loss and hardship.

3.The learned counsel for the respondent would submit that the cheque was issued in the year 2019; that the documents now sought to be marked are irrelevant to the case; that the petition has been filed only to delay the proceedings and therefore, the order passed by the learned Magistrate does not call for any interference and sought for dismissal of the petition.

4.The petitioner, who is the complainant, intends to mark certain



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documents to substantiate his case and to demonstrate that the respondent had a liability to pay money to the petitioner. The complainant is bound to establish that the cheque was issued for legally enforceable debt or liability. Whether the documents that is now sought to be proved by the complainant are relevant or not can always be adjudicated at the conclusion of the trial.

5. Therefore, this Court is of the view that one more opportunity can be given to the petitioner to mark the documents. Hence, the impugned order is set aside with the following directions;-

(i) The petitioner is permitted to examine himself once again and mark the documents. It is needless to say that the respondent would have a right to cross examine the petitioner.

(ii) The learned Magistrate is directed to fix a date for hearing and the petitioner shall produce all the documents on that date, failing which, the order passed by this Court will lose its efficacy. The learned Magistrate is further directed to conclude the proceedings as expeditious as possible, since the case is pending from 2021.



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6. With the above direction, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

31.10.2025

CP

TO

The Special Court for Exclusive Trial of Negotiable Instrument Act,
Tirunelveli



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SUNDER MOHAN,J

CP

ORDER
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