



CrI.O.P.(MD)Nos.3998 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CrI.O.P.(MD)No.3998 of 2025

and

CRL.M.P.(MD)No.2806 of 2025

Rajendiran

... Petitioner

Vs.

Lakshmi

... Respondent

PRAYER: Petition filed under Section 528 of BNSS 2023, to call for the records pertaining to the order dated 04.01.2025 in Cr.M.P.No.3274 of 2024 in STC No.453 of 2022, pending on the file of the learned Judicial Magistrate, Lalgudi and set aside the same as illegal.

For Petitioner

: Mr.S.Shanmugam



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ORDER

This petition has been filed to set aside the order passed by the learned Judicial Magistrate, Lalgudi, in Cr.M.P.No.3274 of 2024 in STC No.453 of 2022 dated 04.01.2025.

2.Learned Counsel for the petitioner would submit that the petitioner is the accused in the said STC No.453 of 2022 and he filed a petition before the trial Court under Section 91 of the Cr.P.C. to call for the documents from the Karur Vysya Bank, Lalgudi Branch, Trichy in respect of Cheque No.000249 and the same was dismissed. The said cheque is very essential to prove the case but the trial Court failed to consider the same. In order to ensure a fair trial, a chance has to be given to the petitioner. Hence, the order passed by the learned Judicial Magistrate is liable to be set aside.

3.This Court, considering the nature of the prayer in this petition, even without issuing notice to the respondent is inclined to dispose of the petition, since the case is pending at the stage of arguments and already the evidence of



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the petitioner was closed and also the miscellaneous petition is only to call for the Cheque bearing No.000249. The petitioner has taken a defence that he never issued the alleged cheque to the complainant. Therefore, the Cheque No.000249, is very essential to decide the case. Merely because producing the Cheque bearing No.000249, would no way be helpful to decide the case and the learned Judicial Magistrate also, in the said order has categorically stated that in the reply notice Ex.P.11, the petitioner stated that for the loan obtained from the respondent, the son of the respondent received two blank cheques with signature from the petitioner. Per contra, he filed a petition stating that he has not given any cheque to anybody.

4. Therefore, the aforesaid observation of the learned Judicial Magistrate, Lalgudi, is in order and it does not warrant interference by this Court. Even as per the petitioner, in the petition, he only stated that in order to disprove the case of the prosecution, the above cheque is essential. Apart from that, there are no other pleadings. Therefore, this Court also finds no merit in this petition.



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5.Accordingly, this Criminal Original Petition stands dismissed.
Consequently, the connected miscellaneous petition is closed.

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Neutral Citation : Yes / No

Index : Yes / No

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To

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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P.DHANABAL, J.

MR

Order made in
CrI.O.P.(MD)No.3998 of 2025

Dated:
04.03.2025