



CrI.O.P.(MD)No.10983 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.06.2025

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**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**CrI.O.P.(MD)No.10983 of 2024**

**and**

**CrI.M.P.(MD)No.7239 of 2024**

Saranya

... Petitioner

versus

Dhanalakshmi

... Respondent

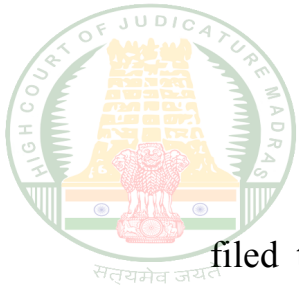
**Prayer :** Petition filed under Section 482 Cr.P.C. to call for the entire relevant records of impugned B Dairy order dated 22.08.2023, passed by the learned Judicial Magistrate, Fast Track Court, Karaikudi in C.C.No. 148 of 2022 and consequently set aside the same as illegal.

For Petitioner : Mr.R.Senthilkumar

For Respondent : Mr.D.Shanmuga Raja Sethupathy

**ORDER**

The petitioner is the accused in C.C.No.148 of 2022 on the file of the learned Judicial Magistrate, Fast Track Court, Karaikudi. She has



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filed this petition challenging the B diary proceedings of the learned Judicial Magistrate, dated 22.08.2023, permitting the respondent/complainant to file an additional proof affidavit based on the order of the Court passed in Crl.M.P.No.1059 of 2023 dated 02.06.2023.

2. The learned counsel for the petitioner, by referring the provisions under Section 362 Cr.P.C. submits that no Court can alter the Judgment and the trial Court, on 02.06.2023, in Crl.M.P.No.1059 of 2023, has passed an order permitting the complainant to adduce additional evidence by filing an additional proof affidavit on 20.06.2023. However, the complainant has failed to file the proof affidavit as directed by the Court in Crl.M.P.No.1059 of 2023 dated 02.06.2023. The respondent/complainant has also failed to file any application seeking extension of time to file the proof affidavit. In these circumstances, the trial Court, in a mechanical manner, permitted the complainant to file the proof affidavit on 22.08.2023. This conduct of the learned Judicial Magistrate is against the provisions under Section 362 Cr.P.C.



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3. The learned counsel for the respondent/complainant submits that the complainant has filed a private complaint as against the petitioner before the learned Judicial Magistrate, Fast Track Court, Karaikudi, for the offence under Section 138 of the Negotiable Instruments Act. In fact, he was examined in chief on 12.10.2022 and cross examined on 16.02.2023. The petitioner/accused has taken a specific plea that the respondent/complainant is not having any source of income to lend money. Therefore, the respondent/complainant, in order to establish his case that he is having sufficient source for lending money, filed a petition before the trial Court, in Crl.M.P.No.1059 of 2023, for adducing additional evidence. The said petition was allowed by the learned Judicial Magistrate, permitting the respondent/complainant to file an additional proof affidavit on 20.06.2023. When the respondent/complainant was about to file the proof affidavit on 20.06.2023, a memo was filed by the petitioner/accused that as against the order passed in Crl.M.P.No.1059 of 2023, he preferred a petition before this Court in Crl.O.P.(MD)SR.No. 22318 of 2023. However, the said petition was not numbered on that day. Therefore, the trial Court, in order to provide an opportunity to the



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petitioner/accused to challenge the order dated 02.06.2023, adjourned the case.

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4. The learned counsel for the respondent further submits that the petition filed by the petitioner, challenging the order passed by the trial Court in CrI.M.P.No.1059 of 2023 dated 02.06.2023, was taken up for hearing by this Court in CrI.O.P.(MD)No.11222 of 2023 and the same was dismissed by this Court, by order dated 22.06.2023. Thereafter, on receipt of the order of this Court passed in CrI.O.P.(MD)No.11222 of 2023 dated 22.06.2023, the trial Court permitted the respondent/complainant to proceed further with the earlier order dated 02.06.2023 passed in CrI.M.P.No.1059 of 2023 to adduce additional evidence by filing the additional proof affidavit on 22.08.2023. Therefore, according to the learned counsel for the respondent/complainant, the order of the trial Court dated 02.06.2023 passed in CrI.M.P.No.1059 of 2023, permitting the respondent/complainant to adduce additional evidence by filing the additional proof affidavit, has already been confirmed and therefore, there is no reason to interfere with the proceedings of the trial Court.



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5. This Court considered the rival submissions made.

6. The grievance of the petitioner is that the trial Court, without extending the time in Crl.M.P.No.1059 of 2023 dated 02.06.2023, permitted the respondent/complainant to adduce additional evidence by filing the additional proof affidavit on 22.08.2023. The fact remains that the petitioner has challenged the order of the learned Judicial Magistrate passed in Crl.M.P.No.1059 of 2023 before this Court in Crl.O.P.(MD)No.11222 of 2023 and this Court, by order dated 22.06.2023, dismissed the same by confirming the order passed by the learned Judicial Magistrate, Fast Track Court, Karaikudi, in Crl.M.P.No.1059 of 2023 dated 02.06.2023. The petitioner filed a memo on 20.06.2023 and prevented the respondent from filing the proof affidavit by referring the petition filed by him before this Court challenging the order passed in Crl.M.P.No.1059 of 2023. Therefore, there is no reason to interfere with the order of the learned Judicial Magistrate, dated 22.08.2023.



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7. Accordingly, this Criminal Original Petition is dismissed.

However, the learned Judicial Magistrate, Fast Track Court, Karaikudi, is directed to conclude the trial in C.C.No.148 of 2022 as expeditiously as possible. Consequently, connected miscellaneous petition is closed.

**18.06.2025**

Index : Yes / No.  
Internet : Yes / No.  
NCC : Yes / No.  
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To

1. The Judicial Magistrate Court  
(Fast Track Court),  
Karaikudi



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**B.PUGALENDHI, J.**

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