



CRL OP(MD). Nos.12226 & 12227 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 13.11.2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

**Crl.O.P(MD). Nos.12226 & 12227 of 2025
and
Crl.MP(MD)Nos.9463 & 9464 of 2025**

P.Seenivasagan,

... Petitioner in both petitions

Vs.

Thirunavukarasu,

... Respondent in both petitions

COMMON PRAYER :- These Petitions are filed under Section 528 BNSS, to set aside the orders passed by the Judicial Magistrate, Nilakottai in Crl.M.P.Nos.5254 & 5255 of 2024 dated 10.06.2025 in C.C.No.14 of 2019 and allow these petitions.

(In both petitions)

For Petitioner : Mr.K.Sathish Kumar,

For Respondent : Mr.S.Prabhu,

COMMON ORDER

The petitions seek to set aside the impugned order passed by the learned Magistrate by which the petitioner's prayer for reopening the case



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for production of defence witnesses and for summoning two defence witnesses, was rejected.

2. The petitioner is facing prosecution under Section 138 of the Negotiable Instruments Act.

3. The learned counsel for the petitioner would submit that the two defence witnesses that he proposes to examine are very much essential for establishing the defence; that unless an opportunity is given, his right to fair trial would be denied; and that he would abide by any stringent condition.

4. Heard the learned counsel for the respondent, who would oppose the prayer stating that the case is pending from 2019 and the present attempt by the petitioner is only to delay the proceedings and even if this Court allows the said petition, it may be on stringent conditions and the trial Court may be directed to dispose of the case within a time frame.



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5. This Court, considering the facts and circumstances of the case ,
is of the view that one more opportunity can be given to the petitioner to
examine defence witnesses, since the petitioner has to rebut the statutory
presumption under Section 139 of the Negotiable Instruments Act.

6. Accordingly, the impugned orders are set aside and the
petitioner is permitted to produce two witnesses on his side, who are the
wife and the father-in-law of the petitioner. The petitioner shall examine
those witnesses on the date fixed by the learned Magistrate. After the
conclusion of the cross examination, the trial Court may dispose of the
case within a period of one month.

7. With the above observation, these Criminal Original Petitions
are disposed of. Consequently, connected Miscellaneous Petitions are
closed.

13.11.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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SUNDER MOHAN,J.



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TO

1. The Judicial Magistrate, Nilakottai
Dindigul District.

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