

Crl.O.P.(MD) No.18770 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.09.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.18770 of 2024

and

Crl.M.P.(MD) No.11642 of 2024

1.C.S.Daniel

2.M/s.Sugantha Metals,
rep. through its Proprietor
and Authorized Signatory,
C.S.Daniel,
50/1A, Sivan Kovil Street,
Tuticorin, Tuticorin District.

... Petitioners

Vs.

D.Jebaraj

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records relating to the impugned order dated 10.08.2024 in Cr.M.P.No.4842 of 2024 in C.C.No.262 of 2018 on the file of the learned Fast Track Magistrate, Tuticorin and set aside the same.

For Petitioners : Mr.G.Aravinthan
for M/s.Aran Legal Consultancy

For Respondent : Mr.J.Sankarapandian



Crl.O.P.(MD) No.18770 of 2024

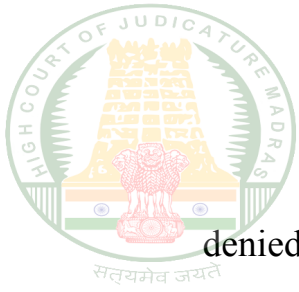
ORDER

WEB COPY

This Criminal Original Petition has been filed to set aside the impugned order dated 10.08.2024 passed by the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Tuticorin, in Cr.M.P.No.4842 of 2024 in C.C.No.262 of 2018.

2. The petitioners are accused facing trial for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. At the defence stage, the petitioners filed a petition for examination of three witnesses, namely, (1) the first petitioner himself, (2) the Branch Manager, State Bank of India, and (3) one Ravi. The learned Magistrate allowed the petition insofar as the examination of the first petitioner and the said Ravi, but dismissed it insofar as the examination of the Branch Manager, State Bank of India.

3. The learned counsel for the petitioners would submit that the respondent/complainant had taken the stand that there were no other transactions with the petitioner and in fact, when he was confronted with the details of the cheque relating to payment of Rs.50,000/- made by the respondent/complainant to the petitioner, the respondent/complainant

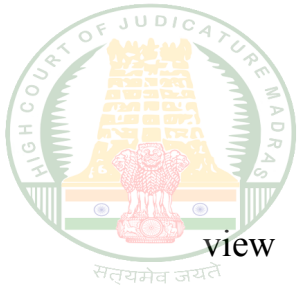


Crl.O.P.(MD) No.18770 of 2024

denied the same; and that to establish that the petitioners and the respondent/complainant had other transactions as well, the examination of the Bank Manager is necessary.

4. The learned counsel for the respondent/complainant, per contra, would submit that if the petitioner wants to establish the other transactions, he may establish the same by marking the bank statements, and there is no need to examine the Bank Manager, as the petitioner himself even according to his petition was aware of the mode and date of the alleged transaction.

5. This Court has perused the deposition of the respondent/complainant. The petitioner seeks to establish that there were other transactions as the complainant has paid Rs.50,000/- to the petitioner from his account maintained with the State Bank of India. As rightly submitted by the learned counsel for the respondent/complainant, the petitioner can establish the said fact by producing the bank statements. There is no need to examine the Bank Manager. The learned Magistrate has rightly observed that the reasons for examining the Bank Manager have not been specifically stated in the petition. Hence, this Court is of the



Crl.O.P.(MD) No.18770 of 2024

view that the impugned order does not suffer from any infirmity.

Accordingly, this Criminal Original Petition is liable to be dismissed.

6. Since the case pertains to the year [2018], the learned Judicial Magistrate may expedite the trial and dispose of the case as expeditiously as possible.

7. In the result, with the above observations, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

15.09.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

The Judicial Magistrate
Fast Track Court (Magisterial Level),
Tuticorin.



WEB COPY



Crl.O.P.(MD) No.18770 of 2024

SUNDER MOHAN, J.

JEN

Crl.O.P.(MD) No.18770 of 2024

15.09.2025