



Crl.R.C(MD)No.1168 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.11.2025**

CORAM

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

CRL.R.C.(MD)No.1168 of 2025

and

CRL MP(MD)No.11412 of 2025

K.K.Nandhirajan,
S/o.Kaliappan,
4/867K, Hussain Colony,
Sivakasi East,
Virudhunagar District.

... Petitioner

vs.

K.Ramar,
S/o.Kaliappa Thevar,
2/1931B, P.S.Nagar,
Via Sithurajapuram,
Sivakasi,
Virudhunagar District.

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to set aside the order dated 09.07.2025 made in Crl.M.P.No.5238 of 2023 in S.T.C.No.850 of 2021, by the learned Judicial Magistrate No.1, Sivakasi, Virudhunagar.



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For Petitioner :Mr.S.Selva Kumar

For Respondent :Mr.Anbumanikandan Tamilsooriyan

ORDER

Heard Mr.S.Selva Kumar, learned counsel appearing for the Revision Petitioner and Mr.Anbumanikandan Tamilsooriyan, learned counsel appearing for the Respondent.

2. This Criminal Revision Petition has been filed by the Revision Petitioner to set aside the order dated 09.07.2025 made in CrI.M.P.No. 5238 of 2023 in S.T.C.No.850 of 2021, by the learned Judicial Magistrate No.1, Sivakasi, Virudhunagar, whereby the application filed by the Revision Petitioner seeking to issue summons to the witness, viz., the SHO, Sivakasi East Police Station, was closed due to the non-appearance of the accused/Revision Petitioner, with the reason stated that the accused side is not willing to proceed with the case.



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3. Mr.S.Selva Kumar, learned counsel appearing for the Revision Petitioner, submits that the Revision Petitioner is facing trial based on a complaint preferred by the Respondent before the learned Judicial Magistrate No.1, Sivakasi, Virudhunagar, for an alleged cheque purportedly issued by the Revision Petitioner. However, the Revision Petitioner claims that he never issued any cheque. The Revision Petitioner filed a petition before the learned Judicial Magistrate No.1, Sivakasi, Virudhunagar in CrI.M.P.No.5238 of 2023 in S.T.C.No.850 of 2021 and the said application sought to examine witnesses, including the SHO of Sivakasi East Police Station, and to produce documents related to the complaint given vide CSR No.548 of 2020. However, the Trial Court, vide order dated 09.07.2025, closed the application due to the non-appearance of the accused/Revision Petitioner, stating that the accused side was not willing to proceed with the case. Aggrieved by the order dated 09.07.2025, the present Criminal Revision Petition has been filed.



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4. Mr.Anbumanikandan Tamilsooriyan, learned Counsel for the Respondent, submits that due to friendship between the accused/Revision Petitioner and the complainant/Respondent, the Respondent lent Rs.5,00,000/- to the Revision Petitioner, and a promissory note was executed in the presence of witnesses. The Revision Petitioner promised to repay the amount with interest at the rate of 12% per annum within six months.

5. It was further submitted by the learned Counsel for the Respondent that when the Respondent demanded repayment, the Revision Petitioner issued a cheque bearing No. 167809, dated 03.09.2021, drawn on TamilNadu Mercantile Bank, Sivakasi Branch, for Rs.5,00,000/-. The Revision Petitioner assured that he would pay the accrued interest after the cheque was honored and also promised to return the promissory note. However, when the cheque was presented, it was returned due to "Funds Insufficient" on 04.09.2021. The Respondent sent a legal notice to the Revision Petitioner on 15.09.2021, but the



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Revision Petitioner neither made payment nor responded. Consequently, the Respondent preferred a complaint in S.T.C.No.850 of 2021 before the learned Judicial Magistrate No.1, Sivakasi, Virudhunagar, under Sections 138 and 142 of the Negotiable Instruments Act, seeking to punish the Revision Petitioner and directed him to pay compensation.

6. The learned Counsel for the Respondent contended that in order to meet the ends of justice, the impugned order does not warrant any interference by this Court, as the Trial Court has rightly passed the impugned order. There is no illegality, impropriety, or perversity in the impugned order, nor does it reflect any abuse of the process of the Court.

7. I have considered the submission of the learned counsel for the Revision Petitioner and the learned Counsel for the Respondent and also perused the complaint filed by the Respondent dated 01.11.2021 under Section 138 and 141 of the Negotiable Instruments Act and the application filed by the Revision Petitioner dated 11.09.2023 and the impugned order dated 09.07.2025.



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8. It appears that the application filed by the Revision Petitioner on 11.09.2023 is only with the intention to linger on the trial pending before the Trial Court, whereas PW1's cross-examination was completed and the case was pending for defence evidence. The accused/Revision Petitioner was not even present when the Trial Court passed the impugned order dated 09.07.2025, as he was attempting to delay the proceedings.

9. The learned counsel for the Revision Petitioner has not been able to point out any illegality, impropriety, or incorrectness in the impugned order that would persuade this Court to interfere with it. Therefore, I do not find any illegality in the order dated 09.07.2025 passed by the Trial Court, rejecting the request of the Revision Petitioner to examine the witnesses, namely the SHO of Sivakasi East Police Station, and to produce documents related to the complaint given vide CSR No.548 of 2020.



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10. In such circumstances to meet the ends of justice, the impugned order dated 09.07.2025 (signed on 10.07.2025) passed by the learned learned Judicial Magistrate No.1, Sivakasi in CrI.M.P.No.5238 of 2023 in STC No.850 of 2021, does not require any interference. There is no illegality, impropriety and incorrectness in the impugned order and also there seems to be no abuse of Court's process.

11. In view of the above, the Criminal Revision Petition lacks merit and stands **dismissed** and the learned Judicial Magistrate No.1, Sivakasi, is directed to proceed with the matter expeditiously and decide the case on its merits and in accordance with law, preferably within six months from today, without granting any unnecessary adjournments to either party.

12. Interim Order, if any, stands vacated. The file is consigned to record. There is no order as to costs. Consequently, connected miscellaneous petition stands closed.



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13.Let a copy of this order be sent by the Registry to the learned Judicial Magistrate No.I, Sivakasi, within two weeks from today, for necessary compliance and information, to be kept in the file of the Trial Court record.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

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To:

- 1.The Judicial Magistrate No.1, Sivakasi.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SHAMIM AHMED, J.

Nsr

Order made in
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