



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24/10/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). Nos.14840 and 14842 and 14843 of 2025

and

Crl.M.P(MD).Nos.12066, 12067 and 12068 of 2025

1. M/s.I.E.L Finex Private Limited,
rep. by its Director B.Venkatesan,
Having Office at No.14,
Venugopal Pillai Street,
Chidambaram.
2. B.Venkatesan,
3. B.Ramachandran,

... Petitioners
in all Crl.O.Ps

Vs

M/s.Sankri Yans Pvt Ltd,
Rep. by its Managing Director,
S.M.K. Sudan,
Rep.By Power Agent,
N.Ramesh Kumar,
Kottaiyur Post,
Agaram Village,
Thadikombu,
Dindigul..

... Respondent
in all Crl.O.Ps



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Prayer in Crl.O.P(MD).No.14840 of 2025 :- Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records to relating to the impugned order dated 18.08.2025 made in Crl.MP No. 14/2025 in CC No. 65/2020 on the file of JM-I, Dindigul and set aside the same as illegal.

Prayer in Crl.O.P(MD).No.14842 of 2025 :- Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records to relating to the impugned order dated 18.08.2025 made in Crl.MP No. 14/2025 in CC No. 66/2020 on the file of JM-I, Dindigul and set aside the same as illegal.

Prayer in Crl.O.P(MD).No.14843 of 2025 :- Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records to relating to the impugned order dated 18.08.2025 made in Crl.M.P No. 15/2025 in C.C No. 64/2020 on the file of JM-I, Dindigul and set aside the same as illegal.

For Petitioner : Mr. M.Venkadesh
(in all Crl.O.Ps)
For Respondent : Mr.D.Venkatesh
(In all Crl.O.Ps)

COMMON ORDER

The petitioners seek to set aside the impugned orders passed by the learned Judicial Magistrate, Dindigul in Crl.M.P(MD).Nos.14 and 15 of 2025 in C.C.Nos.64, 65 and 66 of 2020 dated 18.08.2025.



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2. The petitioners are facing trial for the offence under Section 138 of Negotiable Instrument Act. At the stage of defence, the petitioners sought for summoning the Bank Manager of the complainant bank and the Superintendent of Police to establish their case. After considering the request of the petitioners, the learned Magistrate found that none of the witnesses are necessary to establish the defence and the petitioners can establish the facts by filing the statement of accounts and therefore, there is no necessity to examine the witnesses at the stage of the trial.

3. The learned counsel for the petitioners would submit that unless the complainant is examined, the payments made by the petitioners to the respondent cannot be established and therefore, examining the complainant/Bank is necessary to establish the petitioners' defence. He would further submit that the Superintendent of Police is required to be examined to prove the date of complaint given by the respondent, which would show that the cheque could not have been handed over on the date mentioned in the complaint.



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4. The learned counsel for the respondent would submit that the petitioners can always establish the payments made to the respondent by filing the statement of accounts and the fact that a third party has given a complaint to the Superintendent of Police is admitted by the respondent and therefore, there is no need to examine the Superintendent of Police.

5. This Court is of the view that the reasons stated by the petitioners for examination of two Bank Managers is that the petitioners has to establish certain payments made by them to the respondent. This Court is of the view that those facts can be established by producing the bank statement as rightly stated by the learned counsel for the respondent. The petitioners have not chosen to file the bank statement. Similarly a complaint was lodged by a third party. That fact is admitted by the respondent. Therefore, there is no need to examine the Superintendent of Police to establish the said fact. Therefore, this Court is not inclined to set aside the impugned order passed by the learned Judicial Magistrate No.I, Dindigul.



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6. If the petitioners file a petition to examine themselves as a witness and produce documents, the learned Judicial Magistrate shall consider the same, provided, the petitioners shall examine themselves and produce necessary documents on the date fixed by the learned Judicial Magistrate. The learned Judicial magistrate shall conclude the trial without any further delay, after examination of the witnesses.

7. The learned counsel for the respondent would submit that he has no objection, if the petitioners file an application to examine themselves under Section 315 of Cr.P.C., on the next hearing date.

8. With the above directions, these Criminal Original Petitions are disposed of. Consequently, the connected miscellaneous Petitions are closed.

24.10.2025

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TO

Judicial Magistrate No.I, Dindigul.

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SUNDER MOHAN, J

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**ORDER
IN
CRL OP(MD). Nos.14840 and 14842 and 14843 of 2025
and
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Date : 24/10/2025