



CRL OP(MD). No.14795 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 07/11/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.14795 of 2025

V.K.P.Karmegam

... Petitioner

Vs

Karthikeyan

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to call for the records in Crl.M.P.No.663/2024 in S.T.C. No.141/2016 on the file of the Judicial Magistrate Court No.I, Ramanathapuram ordered on 19.07.2024 and set aside to recall the witness of PW1 - Karthikeyan for cross examination and marking of furnishing mentioned the loan in his I.T. returns documents and with the interest of justice and thus render and justice.

For Petitioner : Mr.R.Babu Jaganath,

For Respondent : Mr.R.Anand



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ORDER

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The petitioner seeks to set aside the order dated 19.07.2024 passed in Crl.M.P.No.663/2024 in S.T.C. No.141/2016 on the file of the Judicial Magistrate Court No.I, Ramanathapuram, by which the learned Magistrate dismissed the petitioner's application for the recall of the respondent, who was examined as P.W1 in a complaint under Section 138 of Negotiable Instruments Act.

2.The learned Magistrate had dismissed the said petition on the ground that in the earlier petition filed in Crl.M.P(MD) No.1007 of 2020 the petitioner had not stated that the documents sought for by him, which are the income tax returns of the respondent for the assessment year between April 2016 to March 2017 were necessary and that the petitioner had not made out any grounds for recalling PW1 for the marking of those documents.

3.The learned counsel for the petitioner would submit that the income tax returns has to be marked before the trial Court and that though the petitioner had sought for the recall of the respondent, he



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would be satisfied if the documents are marked with consent under Section 294 Cr.P.C.

4.The learned counsel for the respondent/complainant has no objection to the marking of the income tax returns of the respondent without examining the respondent.

5.In view of the submissions and since the genuineness of the document sought to be marked is not disputed by the respondent, the impugned order dated 19.07.2024 in CrI.M.P.No.663/2024 in S.T.C. No. 141/2016 on the file of the learned Judicial Magistrate No.I, Ramanathapuram, is set aside. The learned Judicial Magistrate No.I, Ramanathapuram, is directed to take the document on record under Section 294 of Cr.P.C and dispense with the examination of the respondent.

6.With the above direction, this Criminal Original Petition is allowed.



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07.11.2025

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

SUNDER MOHAN,J

CP

TO

1.The Judicial Magistrate Court No. I,
Ramanathapuram.

ORDER
IN

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