



Crl.R.C.No.277 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.277 of 2026

and

Crl.M.P.No.1966 of 2026

M.Selvakumar

...Petitioner

Vs.

R.Narayanan
nt

...Respondent

Prayer: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS., to set aside the impugned order passed in Crl.M.P.No.2297 of 2025 in C.A.No.51 of 2024 dated 11.11.2025 (Impugned Order) by the Principal District and Sessions Court, Chengalpattu.

For Petitioner : Mr.T.E.Thiruvengadam



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ORDER

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The revision challenges dismissal of the petitioner's application filed under Section 432 r/w 348 of BNSS to summon certain witnesses and to send the cheques for expert opinion.

2. The petitioner was convicted by the Trial Court for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of 6 months and to pay compensation of Rs.55,80,000/- carrying a default sentence of simple imprisonment for two months. Aggrieved by the said conviction and sentence, the petitioner had preferred an appeal in Crl.A. No. 51 of 2024 before the Principal District and Sessions Court, Chengalpattu. Pending the appeal, the petitioner had filed Crl.M.P. No. 2297 of 2025 for the following reliefs:

(i) To call for the Branch Manager of Respondent/Complainant's Bank Corporation Bank/now Union Bank of India, Nanganallur Branch as a witness with a direction to produce statement of account pertaining to the Saving Bank Account No. 520101005886623 855366133 of the complainant for the period from 01.01.2013 to



31.10.2015 along with cheque deposit challans pertaining to the suit cheques and recording of additional evidence.

(ii) To re-call P.W.1/complainant with a direction to produce the loan agreement /promissory note pertaining to the alleged loan of Rs.10,00,000/- (Rupees Ten Lakhs) dated 30.10.2015 and recording of additional evidence.

(iii) To call for Thiru. Madhusudhanan, the witness of the mortgage deed dated 28.10.2015 to be examined as witness and recording of additional evidence.

(iv) To send the suit cheques for expert opinion to prove the handwriting in the suit cheques are not of the accused.

3. The learned Judge found that the petition for adducing additional evidence has been filed belatedly only to protract the proceedings in the appeal and the petitioner has not stated as to why those witnesses were not summoned during trial.

4. The learned counsel for the petitioner would submit that unless the above witnesses are examined, the petitioner would be unable to rebut the statutory presumption and that merely because he had not called those witnesses during trial, he should not be denied an opportunity to summon



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those witnesses to prove his defence.

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5. On a perusal of the impugned order, it is seen that all the witnesses and documents that are sought for by the petitioner could have been summoned and sought for during trial. That apart, it is found from the impugned order that the petitioner has admitted his signatures in the impugned cheques and his defence is that the contents of the cheques were filled up by some other person. It is well-settled that under Section 20 of the Negotiable Instruments Act, where the signature in the cheque is admitted by the signatory, even if the cheque is incomplete or blank, the payee is entitled to fill up the contents of the cheque. This Court also finds that the other witnesses sought to be summoned are not necessary especially at this stage. Hence, there is no infirmity in the order passed by the Trial Court and the revision stands dismissed. Connected miscellaneous petition is closed.

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Index : Yes/No
Speaking order : Yes/No
Neutral Citation : Yes/No
nv



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To

1. The Principal District and Sessions Court, Chengalpattu.
2. The Judicial Magistrate, Fast Track Court (Magisterial Level), Alandur.



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SUNDER MOHAN.J.,

nv

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