



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 4343 of 2026

Saraswathi

..Petitioner(s)

Vs

Ramani

..Respondent(s)

Criminal Original Petition is filed under Section 528 of B.N.S.S., to set aside the order dated 27.01.2026 in CrI.M.P.No.47 of 2026 on the file of Judicial Magistrate No.II, Madurantakam.

For Petitioner(s): Mr.P.Chandra Sekar

ORDER

This Criminal Original Petition has been filed seeking to set aside the order dated 27.01.2026 in CrI.M.P.No.47 of 2026 on the file of Judicial Magistrate No.II, Madurantakam.

2. The learned counsel for the petitioner submitted that the petitioner, being the accused in a prosecution under Section 138 of the Negotiable Instruments Act, sought reopening the defence evidence by filing C.M.P.No.47 of 2026 as certain crucial evidence going to the root of the alleged legally



enforceable debt, could not be adduced earlier. He further submitted that the learned Magistrate, by an order dated 27.01.2026, had dismissed the petition on the ground of delay and prior opportunities, without appreciating that courts are duty-bound to ensure a fair trial and that procedural considerations cannot defeat the substantive right of defence. He also submitted that the impugned order passed on an assumption of protraction without any finding of mala fides, has caused serious prejudice to the petitioner and is legally unsustainable. Hence, the impugned order is to be set aside and the petitioner is to be permitted to reopen the defence evidence in the interest of justice.

3. Having heard the learned counsel for the petitioner and on perusal of the entire records, it is clear that ample opportunities were afforded to the petitioner to adduce defence evidence on several occasions. However, no witness was examined and no material evidence was produced. Even after closure of defence evidence and posting of the matter for arguments, the petitioner failed to advance arguments. The present petition has been filed at a belated stage, after the case was posted for judgment. The petitioner has not disclosed the particulars or relevance of the proposed evidence. The vague assertion of possessing 'solid evidence' is insufficient and appears to be an attempt only to protract the proceedings. Hence, no sufficient grounds are made out to reopen the defence evidence.



4. In the result, this Criminal Original Petition stands dismissed. The trial Court shall proceed to pronounce judgment in accordance with law.

20-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1.The Judicial Magistrate No.II, Madurantakam.

2.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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