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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

**Crl.R.C.No.608 of 2026
& Crl.M.P.No.4624 of 2026**

S.Thirilogasundari

..Petitioner(s)

Vs

K.Giri Gopal

..Respondent(s)

PRAYER: Criminal Revision Case filed under Section 438 r/w 442 of BNSS, 2023, to set aside the order dated 15.12.2025 passed in Crl.M.P.No.04 of 2025 in C.A.No.883 of 2024 by the XVIII Additional City Civil Court, Chennai and direct the Lower Appellate Court to summon the Manager, ICICI Bank, Egmore, Chennai as defence witness for examination as prayed in Crl.M.P.No.04 of 2025.

For Petitioner(s):

Mr.R.S.Mangala Kumar

ORDER

This Criminal Revision Case has been filed to set aside the order dated 15.12.2025 in Crl.M.P.No.04 of 2025 in C.A.No.883 of 2024 on the file of the XVIII Additional City Civil Court, Chennai and direct the Lower Appellate Court to summon the Manager, ICICI Bank, Egmore, Chennai as defence witness for examination as prayed in Crl.M.P.No.04 of 2025.



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2.The respondent has filed a complaint against the petitioner before the XXV Metropolitan Magistrate Court, Egmore, Chennai in STC.No.7506 of 2022 for the offence punishable under Section 138 of Negotiable Instrument Act. The said case ended in convicting and sentencing the petitioner to undergo simple imprisonment for a period of one year and imposed fine of Rs.25,00,000/-, being the cheque amount as compensation to the complainant and in default, to undergo simple imprisonment for a period of three months.

3.Aggrieved by the said judgment, the petitioner preferred an appeal in C.A.No.883 of 2024, which is now pending on the file of the XVIII Additional City Civil Court, Chennai. In the above said appeal, the petitioner had preferred a petition in Crl.M.P.No.04 of 2025 under Section 391 of Cr.P.C, seeking permission to summon the Manager, ICICI Bank, Egmore Branch, Chennai, as defence witness to prove that the respondent maintains her bank account at ICICI Bank, Kuniyamuthur Branch, Coimbatore and not in the ICICI Bank, Egmore Branch, Chennai. However, the XVIII Additional Judge, City Civil Court, Chennai had dismissed the said petition, on the finding that the High Court had already dismissed Crl.O.P.No.17048 of 2024, when the territorial jurisdiction of the trial Court has challenged. Hence, the present petition has been filed.



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4.The learned counsel for the petitioner would vehemently contend that the Court at Chennai has no jurisdiction, as the complainant did not have any account at Chennai. However, in order to prove that aspect, she filed an application under Section 391 of Cr.P.C, so as to summon the Manager, ICICI Bank, Egmore Branch, Chennai, which was rejected by the Appellate Court. It is the further contention of the learned counsel for the petitioner that the order of the Appellate Court is erroneous, as the Appellate Court did not take into consideration of the judgment of the Hon'ble Supreme Court, where it state that the place, where the complainant is having account, alone would give a jurisdiction. In the case on hand, in order to prove that the complainant has no account at Chennai, the petitioner wanted to examine the Bank Manager. Therefore, the order of rejection by the Appellate Court is erroneous. Hence, he prays to interfere with the same.

5.I have given anxious consideration to the submissions made by the learned counsel for the petitioner.

6.It is pertinent to mention here that the jurisdictional issue was elaborately dealt with by the trial Court, which has been referred in the



impugned order and it is also pertinent to mention here that no such application has been filed before the trial Court and the case is of the year 2022 and thereafter, the appeal was filed before the Appellate Court in 2024. However, the present application was filed only in the year of 2025. The scheme of filing of these applications at the time of Appellate Court is nothing but ploy to delay the proceedings, and in the case in hand, filing of an application at the appellate stage, without taking any action in this regard before the trial Court, that too after when such an issue has already been dealt with by the High Court is illegal. Therefore, this Court is not inclined to entertain the criminal revision and this Court does not find any perversity in the order of the Appellate Court.

7. Accordingly, this Criminal Revision Case is dismissed. However, the learned XVIII Additional City Civil Court, Chennai, is directed to proceed with the matter uninfluenced with any of the observations made in the present criminal revision. Connected Criminal Miscellaneous Petition is closed.

11.03.2026

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To

1. The XVIII Additional City Civil Court, Chennai.
2. The Public Prosecutor, High Court, Madras.



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C.KUMARAPPAN, J.

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