



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HON'BLE MR JUSTICE **M. NIRMAL KUMAR**

CRL OP No. 5513 of 2026
and Crl.M.P.No.4151 of 2026

N.Aneesur Rahman

..Petitioner

Vs

H.Abdul Rasheed

..Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 12.02.2026 made in Crl.M.P.No.1509 of 2025 in S.T.C.No. 58 of 2022 on the file of the Additional District Munsif-cum-Judicial Magistrate, Ambur, Tirupathur District.

For Petitioner : M.Vignesh

ORDER

This criminal original petition is filed seeking to set aside the order dated 12.02.2026 passed in Crl.M.P.No.1509 of 2025 in S.T.C.No. 58 of 2022 by the learned Additional District Munsif-cum-Judicial Magistrate, Ambur, Tirupathur District.

2. The learned counsel appearing for the petitioner submitted that on the complaint preferred by the respondent, a case in S.T.C.No.58 of 2022 was taken on file by the learned Additional District Munsif-cum-Judicial Magistrate, Ambur, Thirupathur District. During pendency of the said case, the petitioner



filed a petition under Section 91 of Cr.P.C./94 of BNSS to summon the production of bank statement and IT returns of the complainant for the purpose of cross examination of P.W-1 which are vital documents to prove the case of the petitioner. However, without considering the request of the petitioner and without assigning any reasons, the learned trial Judge dismissed the said petition by order dated 12.02.2026. Challenging the said order, the present Criminal Original Petition is filed.

3. Heard the learned Counsel appearing for the petitioner and perused the order dated 12.02.2026 passed in Crl.M.P.No.1509 of 2025 in S.T.C.No. 58 of 2022 by the learned Additional District Munsif-cum-Judicial Magistrate, Ambur, Tirupathur District.

4. Admittedly, the petitioner is the accused in S.T.C.No.58 of 2022 facing trial which is prosecuted by the respondent for the offence under Section 138 of the Negotiable Instruments Act, 1881 and he had filed Crl.M.P.No.1509 of 2025 under Section 91 of Cr.P.C./94 of BNSS, to summon the income tax returns and the bank statement of the complainant which was negated and the petition was dismissed. In paragraphs 2 and 3 the trial Judge had given how the petitioner had been protracting the proceedings and the petitioner not made out the case challenging the veracity of the complainant and hence the petition has been dismissed. The relevant paragraphs are extracted as under:



WEB COPY

"2. On 20.11.2023, the complainant closed his witnesses and the matter was posted for examination of the accused under Section 313(1)(b) Cr.P.C. on 04.01.2024. On that date, the accused merely stated that the prosecution evidence was false, and the case was posted for defence evidence. Thereafter, the accused filed a petition under Section 315 Cr.P.C. on 22.02.2024, which was posted for 01.03.2024 and was kept pending. On the same date, the accused filed another petition under Section 254(2) Cr.P.C., which was considered on 07.03.2024 and allowed on 22.03.2024. The matter was thereafter posted for defence witnesses (DWs) on 04.04.2024, and summons were issued to the witnesses suggested by the accused.

3. However, despite repeated opportunities, none of the defence witnesses appeared before the Court on the following dates: 02.05.2024, 17.05.2024, 14.06.2024, 25.06.2024, 19.07.2024, 05.08.2024, 05.09.2024, 26.09.2024, 06.11.2024, 03.12.2024, 23.01.2025, 11.03.2025, 29.04.2025, 15.05.2025, 13.06.2025, 11.07.2025 and 01.08.2025."

5. In view of the above, this Court finds no reason to entertain this Criminal Original Petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

04-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SRM

To

The Additional District Munsif-cum-Judicial Magistrate,
Ambur,
Tirupathur District.



WEB COPY

CRL OP No. 5513 of 2



M.NIRMAL KUMAR, J.

SRM

CRL OP No. 5513 of 2026

04-03-2026