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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 9581 of 2026
and CRL.MP.Nos.6788 and 6789 of 2026

K.M.M.E.Ramadurai

..Petitioner(s)

Vs

S.Ramamoorthi

..Respondent(s)

To call for the records and set aside the order of the learned Judicial Magistrate (Fast Track Court), Dharmapuri dated 18.03.2026 in Crl.MP.No.47 of 2026 in STC No.141 of 2022.

For Petitioner(s): Mr.A.Ilayaperumal

ORDER

The petitioner, who is arrayed as an accused in SC.No.14 of 2024 had filed a petition under Section 94 of BNSS in CMP.No.47 of 2026 and the Trial Court by order dated 10.03.2026 dismissed the petition. Aggrieved by the same, the present petition has been filed.

2. The contention of the petitioner is that, during the cross-examination of the respondent/complaint, when his wherewithal was questioned, the respondent

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admitted that he had agricultural income to the tune of Rs.15,00,000/-, out of which, he had given a loan of Rs.1,36,000/- to the petitioner. Once the wherewithal of the respondent is questioned and he admits deriving agricultural income, the burden lies on him to substantiate the same. On that basis, the petitioner sought production of the respondent's revenue records.

3. It is to be seen that PW1 was examined in chief on 05.06.2024 and thereafter, for more than a year, he was not cross-examined. Subsequently, a petition under Section 311 Cr.P.C. was filed and the same was allowed subject to payment of costs of Rs.10,000/-. The said cost was duly paid and the witness was cross-examined and cross-examination was continued on several hearings, namely, 06.10.2025, 29.10.2025, 04.11.2025, 24.11.2025 and 28.11.2025. Subsequently, the present petition filed under Section 94 BNSS. However, the Trial Court dismissed the same on the ground that it was intended only to protract the proceedings.

4. On consideration of the materials and the impugned order, it is seen that the petitioner filed a petition under Section 94 BNSS, and sought production of revenue records of the respondent/complainant. However, the petition does not specify the exact documents required, such as survey numbers, relevant period, or whether documents like adangal extracts are sought. Apart from a bald assertion that the respondent admitted to having agricultural

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income, no particulars having furnished. It is a known fact that the agriculture income is exempted from income tax and there will be no records.

5. In view of the above, this Court is of the opinion that the filing of the present petition is not justified. The Trial Court on considering the facts of the case and on the finding that the petitioner is adopting dilatory tactics, has rightly dismissed the petition. This Court finds no reason to interfere with the well-reasoned order of the Trial Court. Accordingly, the same is dismissed. Consequently, connected miscellaneous petitions are closed.

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

To
1. The Judicial Magistrate (Fast Track Court),
Dharmapuri
2. The Public Prosecutor,
High Court, Madras.

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M.NIRMAL KUMAR, J.

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