



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 10517 of 2026

AND

CRL MP NO. 7491 OF 2026

1. M/S.Shri Ram Enterprises
Rep. by its Proprietrix
Mrs. V.Tamilselvi,
No. 23, Thiruneermalai Road,
Chrompet, Chennai - 600 044.

2. V.Tamilselvi
Proprietrix of M/s. Shri Ram
Enterprises,
No. 23, Thiruneermalai Road,
Chrompet,
Chennai - 600 044.
and also at No. 4G, Door No. 2/4,
Pwara 26, Nammalwar Street,
Radha Nagar, Chrompet,
Chennai 600 044

Petitioners

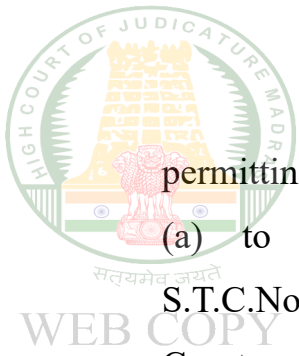
Vs

C.T.Muthuraman

Respondent

PRAYER

This criminal original petition is preferred under section 528 of BNSS seeking to call for the records in Crl.M.P.No. 66/2026 in S.T.C.No. 1080/2020 from the file of the Judicial Magistrate Court No.I, Tambaram, and set aside the impugned order dated 06.04.2026 passed therein, allow Crl.M.P.No. 66/2026



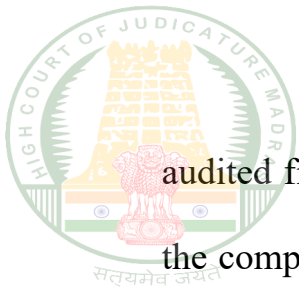
permitting the petitioners/accused to recall DW -1 and mark the documents at (a) to (k) as Exhibits, direct expeditious day-to-day disposal of S.T.C.No.1080/2020, and pass such other and further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioners: Mr.P.Prabu

ORDER

The petitioners who are facing trial in S.T.C.No.1080 of 2020 on the file of the Judicial Magistrate Court No.I, Tambaram, have filed a petition in CrI.M.P.No.66 of 2026 before the said Court under section 311 of the Cr.P.C. seeking to recall D.W.1 and to mark 11 documents. The trial court dismissed the said petition vide order dated 06.04.2026, against which the present criminal original petition has been preferred.

2.On a perusal of the petition, it is seen that the petitioners have filed an affidavit along with the petition in CrI.M.P.No.66 of 2026, in which she has affirmed that she had regular business transactions with the complainant company, namely M/s.CEETEE International, M/s.Abirami Colours and M/s.Fashion Trends Exim. To prove the same, she had annexed Exs.D.1 to D.3, the copies of GST Details of the companies. Likewise, for the import of two consignments of chemicals from Th.Chemie, a German Company, she had relied on two documents and further, she had also relied on bank statements,



audited financial statements of the petitioners' company and also email sent by the complainant and in total, she had relied on 11 documents. It is seen that the petitioner has wrongly mentioned section 311 of Cr.P.C. instead of Section 315 of Cr.P.C.

3.It is submitted by the learned counsel for the petitioners that the petitioners/accused is ready to examine herself as defence witness and to mark these 11 documents to probabilize her defence and to show that the cheque, in the instant case, has not been issued for the discharge of any liability. Further, referring to the cross examination of the complainant, it is submitted that questions have been put to him with regard to these transactions. The learned counsel has submitted that the trial court has not considered the same and has now posted the case for judgment on 06.06.2026. The dismissal of the petition by the trial court and not granting permission to the petitioners without giving opportunity would amount to denial of justice. Hence, the present original petition has been filed.

4.This court has considered the submissions made by the learned counsel for the petitioners and has perused the materials available on record. It is seen that the petitioners have wrongly mentioned section 311 of Cr.P.C instead of Section 315 of Cr.P.C.. The court is of the view that the wrong mentioning of the provision of law by itself would not deny the petitioners their right of examination as defence witness. Further, the petitioners relied on 11 documents.



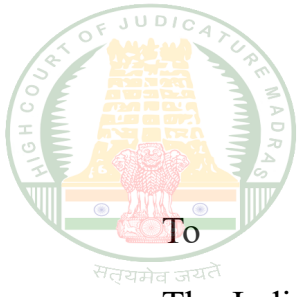
Considering the nature of the case, these 11 documents need to be marked on the defence side and thereafter, she can be subjected to cross examination by the complainant about the transactions made and also with regard to the veracity of those documents.

5. In the light of the above, the impugned order of the trial court in Crl.M.P.No.66 of 2026, dated 06.04.2026 is set aside. The trial court is directed to permit the petitioners/accused to be examined herself as defence witness and to mark those documents. The complainant can cross examine the petitioners/accused. In view of the above direction, the trial court to defer and not to pass judgment on 06.06.2026. The aforesaid process of examination of the petitioners/accused, marking of documents and cross examination by the complainant shall be concluded within a period of two weeks, in any event on or before 22.06.2026. Thereafter, the trial court shall consider the case on merits and dispose of the same in a manner known to law. With the above directions, this criminal original petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

04-06-2026

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

Note to office : Issue order copy on 05.06.2026.



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To

The Judicial Magistrate-I,
Tambaram



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M.NIRMAL KUMAR J.

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