



WEB COPY

CRL OP No. 14894 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 14894 of 2026

and

CRL.MP.No.9529 of 2026

P.Jayavel
S/o.Palanisamy,
Partner of M/s.SSPT Logistics,
Opp. to Sankari Lorry Owners Association Unit
No.2, Veerachipalayam Post,
Sankari West,
Sankari Taluk,
Salem District-637303.

..Petitioner(s)

Vs

V.G.Palanisamy
Sole Proprietor of M/s.Sri Shanmuga Auto Service,
1/179-1,NH 544 (Old NH No.47),
Bypass Road,
Kumarapalayam-638 183.

..Respondent(s)

To call for the entire records relating to the impugned order dated 07.02.2026 passed in M.P.No.17 of 2026 in STC No.82 of 2023 on the file of the learned Judicial Magistrate, Kumarapalayam and set aside the same.

For Petitioner(s): M/s.S.Suruthi
for M/s.K.Pragadeesh Kumar

For Respondent(s): Mr.K.Selvaraj



ORDER

The petitioner/accused, who is facing trial in STC No.82 of 2023, has challenged the order dated 07.02.2026, passed in M.P.No.17 of 2026, whereby the Trial Court allowed the petition filed by the respondent/complainant seeking to reopen the case and recall the witness for marking additional documents.

2. The petitioner/accused submitted that the complaint was filed on 13.10.2022 and the petitioner was initially questioned on 25.04.2023. Thereafter, after two years, on 12.02.2025, the respondent examined himself as PW1 and marked EXs.P1 to P16. According to the petitioner, after a considerable lapse of time, the respondent has now sought to introduce additional documents under the guise of inadvertent omission. It was contended that the petition has been filed only to fill up the lacunae in the complainant's case and to protract the proceedings. It was further argued that no satisfactory explanation has been offered as to why the documents, which were admittedly available earlier, were not marked during the chief examination of PW1.

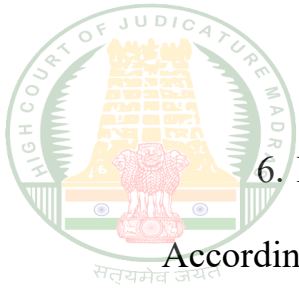
3. Per contra, the learned counsel for the respondent/complainant submitted that the petitioner, who claims to be a fleet operator, owning more than 500 trucks, had been purchasing diesel on credit from the respondent's petrol bunk, namely M/s.Sri Shanmuga Auto Service, a Bharat Petroleum outlet at Kumarapalayam. Owing to irregular payments, a sum of Rs.66,77,321/-



remained outstanding, towards which the petitioner had issued the cheque in question. It was submitted that due to oversight, certain documents including income Tax Returns for the relevant assessment years and other business related records were not marked during the examination of PW1. The said documents are necessary for effectively proving the complainant's case and therefore, the application for reopening and recall was rightly filed.

4. This Court has considered the rival submissions and perused the materials available on record. The Trial Court has taken note of the objections raised by the petitioner and the reasons assigned by the respondent for seeking reopening of the evidence and observed that certain documents required to be marked relate to income Tax Returns, statement of accounts and other business records. The Trial Court rightly held that the questions relating to admissibility, genuineness and evidentiary value of those documents can be examined at the appropriate stage, and that the petitioner would have sufficient opportunity to challenge the same during cross-examination and at the time of final arguments.

5. This Court finds that the order passed by the Trial Court is well-reasoned and does not suffer from any illegality, perversity or jurisdictional error warranting interference.



6. In view of the above, this Court finds no merit in the present petition.

Accordingly, the Criminal Original Petition stands dismissed. Consequently, the

order dated 07.02.2026, passed in M.P.No.17 of 2026 is confirmed.

Consequently, connected miscellaneous petition is closed.

12-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

PVS

To

The Judicial Magistrate,
Kumarapalayam



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M.NIRMAL KUMAR, J.

PVS

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