



WEB COPY



Crl. O.P. No. 10027 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl. O.P. No. 10027 of 2026

and

Crl. M.P. No. 7147 of 2026

A. Ranganathan

... Petitioner

vs.

L.K. Vennila

... Respondent

Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to set aside the order passed by the XXV
Metropolitan Magistrate Court, Egmore, Chennai dated 01.04.2026 in
Crl.M.P.No.558 of 2026 in S.T.C.No.9594 of 2024.

For Petitioner : Mr. S. Athikumar

For Respondent : Mr. A. Arasu,

ORDER

The petitioner / accused, who is facing trial in a private complaint
filed by the respondent under Section 138 of the Negotiable Instruments Act
in S.T.C. No. 9594 of 2024, filed a petition under Section 353 of BNSS



seeking permission to examine himself as a defence witness and to mark five documents as exhibits. The Trial Court, by order dated 01.04.2026, dismissed the same, against which, the present petition has been filed.

2. The contention of the petitioner is that he is facing trial under Sections 138 and 142 of Negotiable Instruments Act, wherein the presumption operates against him. The petitioner is duty-bound to probabalise his defence either by cross-examining the witnesses or by examining defence witnesses and producing defence exhibits.

2.1. In this case, the petitioner has come forward to examine himself as a witness under Section 353. By doing so, he removes the protective shield granted under Constitution and exposes himself to cross-examination. The petitioner is in custody of five documents, namely, (i) a letter dated 30.01.2025 issued by the Regional Manager, Kerala Roadway Private Limited; (ii) statements and receipts of the amount received by the respondent / complainant and her husband from Anand Transport; (iii) the account statement of the petitioner's bank account with the State Bank of India, Anna Nagar, (iv) video footage of the respondent / complainant receiving money at the petitioner's business premises, along with a certificate under Section 65B of the Indian Evidence Act; and (v) a jewel



loan bill in the name of the complainant from the Central Co-operative Bank.

2.2. These five documents are in the possession of the petitioner and he is ready to mark them as exhibits. It is further submitted that the case is posted for arguments tomorrow. The petitioner is ready to appear before the Trial Court along with the documents, adduce evidence and mark the documents as exhibits.

3. The learned counsel for the respondent strongly opposed the petitioner's submissions and submitted that for 11 hearings, the case was posted for defence evidence, but the petitioner did not produce any defence witness and has been dragging the trial. He further submitted that the petitioner took nine months to cross-examine PW1 and by giving one reason or another, has been protracting the trial. Hence, the Trial Court, having considered all these aspects, rightly dismissed the petition. He also submitted that the documents produced by the petitioner are disputed.

4. Considering the submissions and upon perusal of the materials on record, the learned counsel for the petitioner, on instructions, submitted that the petitioner / accused is ready to appear before the Trial Court tomorrow



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(i.e., on 22.04.2026) along with the documents to be marked and will complete his evidence without seeking any further adjournment.

5. The learned counsel for the respondent / complainant submitted that he is ready to cross-examine the witness on the same day and that there will be no delay.

6. In view of the undertaking given by both counsel for the petitioner and the respondent, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

7. The petitioner is directed to appear before the Trial Court on 22.04.2026, failing which, the respondent is at liberty to approach this Court.

21.04.2026

Neutral Citation: Yes/No
AT

Note: Issue order copy on 21.04.2026

To
The XXV Metropolitan Magistrate Court, Egmore, Chennai.



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M.NIRMAL KUMAR, J.

AT

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