



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP Nos. 11560 & 11566 of 2026

and

CRL MP Nos. 8344 & 8345 of 2026

Vamseedharan

Petitioner(s) in both
petitions

Vs

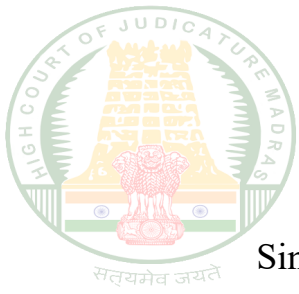
R.Parthiban

Respondent(s) in both
petitions

PRAYER in CrI.O.P.No.11560 of 2026: Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the order dated 24.4.2026 made in CrI.M.P.No.897 of 2026 in STC No.9 of 2021 on the file of the Learned Judicial Magistrate, Tambaram and set aside the same and all the allow petition.

PRAYER in CrI.O.P.No.11566 of 2026: Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the order dated 24.4.2026 made in CrI M.P.No.898 of 2026 in STC No.8 of 2021 on the file of the Learned Judicial Magistrate, Tambaram and set aside the same and all the allow petition.

For Petitioner(s): Mr.S.T.Raja



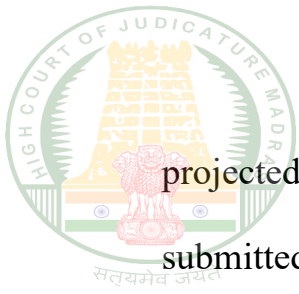
COMMON ORDER

Since the issue involved and the relief sought in both these petitions are identical in nature, they were heard together and are decided vide this common order.

2. The petitioner is the accused facing trial in S.T.C.Nos.8 & 9 of 2021 on the file of the learned Judicial Magistrate No.1, Tambaram, arising out of a complaints lodged by the respondent under Section 138 of the Negotiable Instruments Act, 1881.

3. The learned counsel for the petitioner submitted that the respondent is a cini actor who had invested a sum of Rs.80,00,000/- in the share trading business carried on by the petitioner. According to the petitioner, he had repaid a sum Rs.1,07,97,000/- including profits to the respondent, and all such transactions were effected through banking channels. The said transactions are reflected in the Bank statements relating to the petitioner's account bearing account No.917010080374718 maintained with Axis Bank.

4. The learned counsel further submitted that the respondent, through his contacts and connections and with the assistance of the Inspector of Police, Nungambakkam, Chennai, had forcibly obtained petitioner's signature on stamp papers and cheques. According to the petitioner, the cheques which were



projected in the case were not issued for legally enforceable debt. It was further submitted that the petitioner had also made payments through Demand Drafts, which are reflected in his Bank account. Therefore, the Bank Statements are crucial for establishing his defence. During the proceedings under Section 313 Cr.P.C., the petitioner had produced the statement of accounts along with his written explanations, however, the trial Court failed to receive the same and returned the documents. Thereafter, the petitioner filed a petition under Section 277(2) of BNSS, seeking to summon the Branch Manager, Axis Bank, Sterling Road Branch, Nungambakkam, Chennai, for the purpose of producing and marking the bank account statements pertaining to the petitioner as a defence evidence. The said petitions were dismissed by the trial Court. Hence, the petitioner has filed these petitions.

5. The learned counsel for the petitioner further submitted that, in a prosecution under Section 138 of NI Act, wherein the presumption is against the petitioner. Therefore, the petitioner cannot remain silent, and is required to rebut the presumption by probalising his defence either through cross examination of the complainant or by producing materials. In the present case, the petitioner has already cross examined PW1 on these aspects. In order to substantiate his defence, the petitioner seeks to produce the relevant material namely, the Bank Statements of account, which can be brought on record only



through examination of the concerned bank officials.

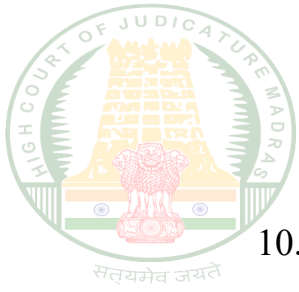
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6. Heard the learned counsel for the petitioner and also perused the materials available on record.

7. Considering the submissions made by the learned counsel on either side and upon perusal of the materials available on record, it is seen that the petitioner has produced the copies of the Bank Statements, which prima facie indicate that there were bank transactions between the parties, as contended by the petitioner.

8. In a prosecution under Section 138 of the Act, it is for the petitioner to probabalise his defence. Therefore, this Court is of the view that the examination of Branch Manager, Axis Bank, Sterling Road Branch, Nungambakkam, Chennai and the marking of the petitioner's bank account statements through the said witness are necessary and required for effectively establishing the petitioner's defence.

9. Accordingly, the impugned orders dated 24.04.2026 passed in CrI.M.P.Nos.897 and 898 of 2026 in S.T.C.No.8 & 9 of 2021 on the file of the learned Judicial Magistrate, Tambaram, are hereby set aside.



10. In the result, these Criminal Original Petitions are allowed.

Consequently, the connected Miscellaneous Petitions are closed.

17-06-2026

Jd

Neutral Citation: Yes/No

To

1. The Judicial Magistrate No.1, Tambaram.
2. The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR J.
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