



WEB COPY

CRL OP No. 14112 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 14112 of 2026

Hemalatha
W/o. Hariprasath,
Plot No.2, Door No.3,
Ground Floor,
Church Gate Road,
Anna Indira Road, Velalcherry,
Chennai-600 045.

Also at
No.266, Shasthiri Street,
Thiruvankadapuram,
Ponneri, Tiruvallore,
Tamil Nadu-601 204.

Also at
No.14, 2nd Street,
Kolathur, Krishna Nagar,
Chennai-600 099.

..Petitioner(s)

Vs

V.Jiharisudhan
S/o. V.J. Venkataraju,
No.130, New No.10,
L Block, 17th Street,
Anna Nagar West,
Chennai-600 102.

..Respondent(s)

Criminal Original Petition is filed under Section 528 BNSS to set aside the order passed by the XXVI Metropolitan magistrate, at Egmore, Chennai in Crl M.P. No.2940/2026, dated 07-04-2026 and allow the above said witnesses of brother of the petitioner Mr. Sarathbabu as a defence witnesses and thus render justice.



For Petitioner(s): Mr.D.Raja

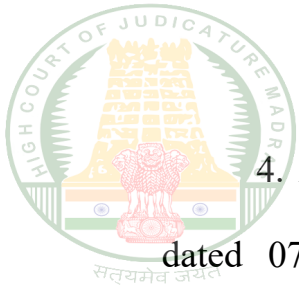
WEB COPY

ORDER

This Criminal Original Petition is filed challenging the order passed by XXVI Metropolitan Magistrate, Egmore, Chennai in CrI.M.P.No.2940 of 2026 dated 07.04.2026 and allow the petitioner's brother namely Sarathbabu as a defence witness.

2. Pursuant to the orders passed by this Court on 04.06.2026, today the petitioner produced the evidence of P.W.1 and D.W.1. The petitioner's specific case is that the respondent / complainant and the petitioner's brother are friends and there have been transaction between them and he had also marked the defense exhibits to substantiate the same. The relationship and transaction between the petitioner's brother and the respondent is not seriously disputed.

3. It is the cardinal principle that the best evidence should be produced before the trial Court. Further, the petitioner is facing trial under Section 138 NI Act wherein the statutory presumption stands against the petitioner and to probabilize the defense, the petitioner has to necessarily examine his brother. In view of the same, this Court is inclined to set aside the order of the trial Court.



4. Accordingly this Criminal Original Petition is allowed and the order dated 07.04.2026 passed by the learned XXVI Metropolitan Magistrate, Egmore, Chennai in CrI.M.P.No.2940/2026, is hereby set aside.

08-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

BKN

To:

XXVI Metropolitan magistrate, at Egmore, Chennai



WEB COPY

CRL OP No. 14112 of 2



M.NIRMAL KUMAR, J.

BKN

CRL OP No. 14112 of 2026

08-06-2026