



WEB COPY

CRL OP No. 15421 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15421 of 2026

Ananthi
W/o Kannankumar,
No.648, Nagammal Thottam,
Chinapudur,
Hasthampatti,
Salem.

..Petitioner(s)

Vs.

S.Meyalagan
S/o Subramaniam,
Kattukottai,
Rajagoundanpudur,
Kalappanayakkanpatti,
Thutikulam.

..Respondent(s)

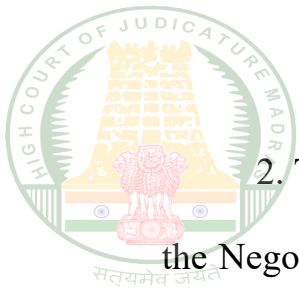
PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to set aside the order dated 07.04.2026 passed by the Learned Judicial Magistrate No.I, Salem in CMP.No.764 of 2026 and pass such further orders.

For Petitioner(s):

Mr.E.C.Ramesh

ORDER

This Criminal Original Petition has been filed to set aside the order dated 07.04.2026 passed by the learned Judicial Magistrate No.I, Salem, in C.M.P. No.764 of 2026.



2. The petitioner is facing prosecution for an offence under Section 138 of the Negotiable Instruments Act, 1881, in S.T.C. No.764 of 2026. Pending trial, the accused filed a petition under Section 91 Cr.P.C. seeking a direction to the respondent/complainant to produce the following documents: (i) sale deeds or any other property documents evidencing that the respondent/complainant owns 10 acres of agricultural land; (ii) Patta, Chitta and Adangal relating to the said 10 acres of land standing in the name of the respondent/complainant; and (iii) the Ulavan Card issued by the State Government in his name, so as to enable the accused to establish her defence. Since the said petition was dismissed by the Court below, the present Criminal Original Petition has been filed.

3. The primary contention of the petitioner is that the respondent has alleged that he advanced a sum of Rs.8,00,000/- as a loan to the petitioner, for which the petitioner/accused issued a cheque that was subsequently dishonoured. The petitioner has questioned the financial capacity of the respondent to advance such a loan. According to the petitioner, the respondent claims to be earning an agricultural income of Rs.3,00,000/- per annum and has relied upon such agricultural income without disclosing the same in his Income Tax Returns. The petitioner has also questioned the extent of agricultural land owned by the respondent. Therefore, according to the petitioner, production of the aforesaid documents is necessary to establish the respondent's financial capacity.



4. The Trial Court found that the petitioner had already questioned the financial capacity of the respondent through the reply notice. Thereafter, the respondent filed a rejoinder enclosing his bank statement. The petitioner further contended that the respondent had not produced any document relating to his land holdings and agricultural yield. It is for the respondent to produce such documents, if he chooses to rely upon them. In the event of failure to produce the same, it is for the Trial Court to draw an appropriate inference, if warranted. If the petitioner seeks to establish that the respondent lacked the financial capacity to lend the amount in question, it is open to her to adduce independent evidence in support of such a defence.

5. In view of the above, this Court finds no merit in the present petition. Accordingly, this Criminal Original Petition stands dismissed.

18-06-2026

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

JER

To
The Judicial Magistrate No.I, Salem



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M.NIRMAL KUMAR, J.

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