

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2026

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THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15501 of 2026

and

CrL.MP.No.10114 of 2026

N.Aneesur Rahman
S/o.N.Mohammed Asif,
No.1, 5th Cross Vathi Nagar,
Ambur, Thirupathur District.

..Petitioner(s)

Vs

H.Abdul Rasheed
S/o. H.M.Ismail Sahib,
No.28/15, Konwattam Mohideen Street,
Noorullapet, Ambur – 635 802.
Thirupathur District.

..Respondent(s)

PRAYER: This criminal original petition filed under Section 528 of BNSS to set aside the order dated 15.05.2026 made in CrL.M.P.No.908 of 2026 on the file of the Additional District Munsif cum Judicial Magistrate, Ambur.

For Petitioner(s):

Mr.M. VIGNESH

ORDER

The petitioner/accused in a 138 case facing trial in STC.No.58 of 2022 filed a petition under Section 94 of BNSS in CrL.M.P.No.908 of 2026 to direct the petitioner to produce the bank statements from 22.05.2018 to 05.01.2022



and produce the income tax returns for the assessment year 2018, 2019, 2020, 2021 and 2022.

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2.The learned counsel appearing for the petitioner submitted that the petitioner had questioned the wherewithal of the respondent. The same issue has already been raised. Even at the earlier stage, the petitioner had sent a reply to the statutory notice which was marked as Ex.D1. The petitioner denied that he had received a sum of Rs.65,82,172/-. According to him, the cheque for Rs.14 lakhs was issued towards part discharge of the alleged amount. The trial Court failed to consider the same and dismissed the petition for the reason that earlier the petitioner filed Crl.M.P.No.1509 of 2025 seeking similar relief, which was dismissed on 12.02.2026. Again for the same relief, he filed the petition second time, hence, dismissal of the petition with costs is not proper.

3.Considering the submissions and on perusal of the materials, on going through the evidence of PW1, it is seen that the complainant/Pw1 denied the suggestion that the transaction would be reflected in the bank statements. Further, he stated that he collected amount from some of the investors and given the loan. But the petitioner had not further probed and collected the details of the investors. In such circumstances, the petitioner cannot seek summoning of the documents without laying any any foundational facts. The evidence does not disclose any foundational facts justifying summoning of the documents.



Therefore, this Court finds no reason to interfere with the order of the trial Court. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

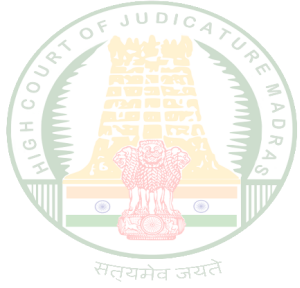
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19-06-2026

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

To

1. The Additional District Munsif cum Judicial Magistrate,
Ambur.
2. The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR, J.

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