



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

Crl. O.P. No.35086 of 2025

and

Crl.M.P.No.24643 of 2025

A.Kulanthai Theresa Selvi

..Petitioner

Vs

Stephen

..Respondent

Prayer: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita to set aside the impugned order dated 29.09.2025 passed by the Metropolitan Magistrate, FTC-V, Saidapet, Chennai, in Crl.M.P.No.558 of 2025 in S.T.C.No.2303 of 2023.

For Petitioner : Mr.Samuthiravijayan

ORDER

This Criminal Original Petition has been filed to set aside the impugned order dated 29.09.2025 passed by the Metropolitan Magistrate, FTC-V, Saidapet, Chennai, in Crl.M.P.No.558 of 2025 in S.T.C.No.2303 of 2023,



dismissing the petition filed under Section 94 of BNSS to produce the list of documents.

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2. The brief facts of the case are as follows :-

2.1. The petitioner is an accused facing trial in STC No.2303 of 2023 before the learned Metropolitan Magistrate, FTC-V, Saidapet, Chennai, for the offence punishable under Section 138 of Negotiable Instruments Act.

2.2. In the said case, the petitioner/accused filed a petition in Crl.M.P.No.558 of 2025 under Section 94 of BNSS seeking production of list of documents viz.,

- i) Property document (sale deed) of land measuring 1938 square feet in Perungudi Kallu Kuttai Mullai Street in favour of the complainant's father
- ii) TNEB- Electricity consumption card of the property in favour of complainant's father
- iii) Property tax receipt in favour of complainant's father
- iv) Bank passbook front page and its entries from 20.10.2021 to 22.10.2021 clearly showing the home branch.

2.3. The learned Magistrate, finding that the property is a joint property and the petitioner can produce the same, dismissed the petition, vide order dated 29.09.2025. Aggrieved over the same, the present petition has been filed.



3. The learned counsel for the petitioner submitted that the above mentioned documents are necessary for proving the defence whereas the learned Magistrate had dismissed the same. Hence, he prays to set aside the order dated 29.09.2025.

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

5. For the sake of better appreciation of the case, the operative portion of the impugned order is extracted below:

“Heard. On perusal of records, the petitioner is filed this petition to produce the list of documents mentioned in the petitioner and as per complainant case, the joint property was sold by petitioner/accused and accepted the same by petitioner/accused. If the property is joint property then the petitioner can produce the same since the petitioner alone sold the same and bank passbook was required for jurisdictional point at this time but the bank account maintained by respondent/complainant in this court jurisdiction alone and the same was admitted by petitioner counsel. Hence, this petition is dismissed for the above said reason.”



6. As per Section 94 of the BNSS, whenever any Court considers that the production of any document is necessary or desirable for the purpose of trial, the Court may issue summons for production of documents. In such circumstances, the Court has to come to a conclusion that the documents are necessary for the trial.

7. Considering the above, this Court is of the opinion that the above documents are not necessary for proving the case of the petitioner. Therefore, this Court does not find any infirmity in the order dated 29.09.2025 passed by the Metropolitan Magistrate, FTC-V, Saidapet, Chennai. Hence, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

05-01-2026

Neutral Citation: Yes/No
MRN

To
The Metropolitan Magistrate, FTC-V,
Saidapet, Chennai.



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A.D.JAGADISH CHANDIRA, J.

MRN

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