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Crl.O.P.No.1730 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2026

CORAM:

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

Crl.O.P.No.1730 of 2026

and

Crl.MP.No.1117 of 2026

M/s. Lakshmi Industrial Equipment,
Represented by its Sole Proprietor,
S.Vijayalakshmi Palavesam,
D.No.22/10, Kollam Thottam, Nallampalayam,
Ganapathy, Coimbatore – 641 006.

...Petitioner

Vs.

M/s. Sun Bio Naturals India Private Limited,
Rep. by its Managing Director, C.Sakthivel,
Rep. by his Power Agent, K.P.Rajesh,
Sun Tower, Super A7, TVK Industrial Estate,
Guindy, Chennai – 600 032.

...Respondent

Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita/Section 482 of Cr.P.C., to call for the records
pertaining to the order dated 12.11.2025 in Crl.M.P.No.17 of 2025 in
STC.No.1843 of 2024 on the file of XXVII Metropolitan Magistrate Court,
Saidapet, Chennai and set aside the same.

For Petitioner : Mr.P.G.Thiyagu



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ORDER

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This criminal original petition has been filed seeking to set aside the order dated 12.11.2025 made in Crl.M.P.No.17 of 2025 in STC.No.1843 of 2024 by the learned XXVII Metropolitan Magistrate, Saidapet, Chennai, dismissing the petition filed by the petitioner under Section 145(2) of BNSS, seeking to permit the petitioner to adduce oral evidence on the defense side.

2. The brief facts are as follows:

The petitioner is an accused facing trial in STC.No.1843 of 2024 on the file of the XXVII Metropolitan Magistrate Court, Saidapet, Chennai, for the offences under Sections 138 & 142 of the Negotiable Instruments Act, pursuant to the private complaint made by the respondent/ complainant. The petitioner filed a petition under Section 145(2) of the NI Act in Crl.M.P.No.17 of 2025, seeking to reopen the defence evidence, along with a list of witnesses proposed to be examined, namely, Elangomani, Vishvanathan and Subburaj. However, the trial court, vide order dated 12.11.2025, allowed the same in part, by granting permission to the petitioner to examine the said Subburaj, however, refused to grant permission to examine the other two persons, namely, the said Elangomani



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and Vishvanathan. Challenging the same, the petitioner has come up with this petition.

3. Learned counsel for the petitioner submitted that the said Elangomani is the financier who lent money to the petitioner and the said Vishvanathan is the witness who signed the loan agreement entered into between the petitioner and the said Elangomani and therefore, their evidence is necessary to disprove the case of the complainant. He further submitted that if the petitioner is not given an opportunity to examine the abovesaid persons as necessary witnesses, the petitioner would be put to a great predicament. Hence, he prayed that the order passed in Crl.M.P.No.17 of 2025 dated 12.11.2025 be set aside and that the petitioner be permitted to adduce oral evidence on the defense side by examining the said Elangomani and Vishvanathan.

4. Having heard the learned counsel for the petitioner and upon perusal of the materials available on record, this Court is of the view that the trial court, after careful consideration of the facts, particularly the fact that the said Subburaj, husband of the petitioner/accused is a party to the document/agreement marked as Ex.P.4, and at the same time, considering that no proper explanation has been given to permit the petitioner to



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examine the other two persons, the said Elangomani and Vishvanathan, had rightly allowed the petition filed under Section 145(2) of the NI Act in Crl.M.P.No.17 of 2025 in part, vide impugned order and this Court does not find any infirmity in the said order of the trial court.

5. This Criminal Original Petition stands dismissed accordingly. Consequently, the connected miscellaneous petition is closed.

29.01.2026

skt

Neutral Citation: Yes/No

To

The XXVII Metropolitan Magistrate Court,
Saidapet, Chennai.



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A.D.JAGADISH CHANDIRA, J.

skt

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