



Crl.O.P.(MD).No.5038 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.5038 of 2026
and
Crl.M.P.(MD).No.5385 of 2026

Yasin Ali

...Petitioner

Vs

M.S.Mohaideengnaniyar Ali

...Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records relating to the order passed in M.P.No.6 of 2025 in S.T.C.No.127 of 2023, dated 18.02.2026 on the file of the learned Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli, and set aside the same and consequently direct the learned trial Court to issue summons to the Director of Regional Office, Coconut Development Board, Coimbatore, to appear and produce the relevant documents and give evidence.

For Petitioners : Mr.M.Maharaja



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ORDER

The present petition has been filed seeking to set aside the order passed in M.P.No.6 of 2025 in S.T.C.No.127 of 2023, dated 18.02.2026 on the file of the learned Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli, and consequently to direct the learned trial Court to issue summons to the Director of Regional Office, Coconut Development Board, Coimbatore, to appear and produce the relevant documents and give evidence.

2.The petitioner is the complainant in S.T.C.No.127 of 2023 filed under Section 138 of Negotiable Instruments Act. While the trial was pending, the petitioner has filled recall petition seeking to examine the Director of Regional Office, Coconut Development Board, Coimbatore, in order to prove that the accused person is involved in business activities and only for the said business activities, he had borrowed money from the complainant. This application was dismissed on the ground that the examination of the Director of Regional Office, Coconut Development Board, Coimbatore, is no way connected with the complaint and there is no reference about the Council either in the complaint or the legal notice issued by the petitioner. Challenging the same, the present application has been filed.



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3. According to the learned counsel appearing for the petitioner, the accused person has denied the fact that he has borrowed loan for the business purpose. Therefore, in order to prove that the accused person was involved in business activities and only for that purpose, he had borrowed loan from the petitioner, the present application has been filed seeking to examine the Director of Regional Office, Coconut Development Board, Coimbatore. He further submitted that it is necessary to establish that the accused is engaged in business activities .

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

5. As far as the complaint under Section 138 of the Negotiable Instruments Act is concerned, it is for the petitioner to prove that the amount was borrowed by the accused and that the cheques were issued for a legally enforceable debt, which were dishonoured due to insufficient funds. Whether the accused borrowed the amount for business or personal purposes, is not a relevant issue. If the petitioner wishes to place on record documents relating to the accused's business, it is for him to approach the Court with appropriate application. Hence, there are no merits in this petition.



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6. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, the connected Criminal Miscellaneous Petition stands closed.

10.03.2026

NCC : Yes/No

Index : Yes/No

Internet: Yes/No

vsg

To

1. The Special Court

for Exclusive Trial of Negotiable Instrument Act,
Tirunelveli.



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R.VIJAYAKUMAR, J.

vsg

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