



CrI.O.P.(MD).No.5206 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CrI.OP.(MD)No.5206 of 2026
and
CrI.M.P.(MD).No.5551 of 2026

Joshwa Christopher

...Petitioner/Accused

Vs

O.Malarvizhi

...Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records pertaining to the impugned order passed in Cr.M.P.No. 9789 of 2025 in S.T.C.No.278 of 2021 on the file of the learned Fast Track (Judicial Magistrate) Court No.1, Madurai, and set aside the same and allow the direction petition.

For Petitioner : Mr.R.Karunanidhi

ORDER

The present application has been filed seeking to set aside the impugned order passed in Cr.M.P.No.9789 of 2025 in S.T.C.No.278 of 2021 on the file of the learned Fast Track (Judicial Magistrate) Court No.1, Madurai.



Cr.L.O.P.(MD).No.5206 of 2026

WEB COPY

2. The present petitioner herein is the accused in the above said case, which has been initiated under Section 138 of the Negotiable Instruments Act. The complainant was chief-examined in the year 2022 and was cross-examined in the year 2023. When the case was posted for arguments, an application was filed under Section 311 of Cr.P.C., seeking to recall the complainant in order to question her with regard to the source of the amount which she is said to have given to the accused and the same was dismissed. Hence, the present petition.

3. A perusal of the order passed by the trial court reveals that the complainant has produced her bank statement, which shows that she has withdrawn a sum of Rs. 3,80,000/- on 15.03.2019, and the payment to the petitioner is alleged to have been made on 17.03.2019. The total cheque amount is stated to be Rs.4,00,000/-.

4. In such circumstances, the question of verifying the source from which she received the amount credited to the bank is immaterial for the disposal of the case. Therefore, the trial court has rightly rejected the application and there are no merits in the same.



Cr.L.O.P.(MD).No.5206 of 2026

5. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, the connected Criminal Miscellaneous Petition stands closed.

12.03.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
vsg

To

1.The Fast Track (Judicial Magistrate) Court No.1, Madurai.



WEB COPY



Crl.O.P.(MD).No.5206 of 2026

R.VIJAYAKUMAR, J.

vsg

Crl.OP.(MD)No.5206 of 2026

12.03.2026