



Crl.O.P.(MD).No.9754 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.9754 of 2026

and

Crl.M.P(MD) No.9941 of 2026

A.T.Vinoth

... Petitioner/Accused

Vs

R.Alagarsamy

... Respondent/
Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS Act, praying this Court to set aside the impugned order dated 27.03.2026 passed in Crl.M.P.No.38 of 2026 in S.T.C.No.41 of 2024 on the file of the learned Judicial Magistrate, Fast Track Court, Srivilliputhur and consequently, direct to grant an opportunity to examine Mr.Nethaji and IDFC Bank Manager, Valasarvakkam Branch, Chennai for the defence side witnesses, of this Court may deem fit and proper in the facts and circumstances of this case.

For Petitioner : Mr.Jagadeshwaran R

For Respondent : Mr.R.J.Karthick



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ORDER

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The present petition has been filed by the accused persons in S.T.C.No. 41 of 2024 on the file of the learned Judicial Magistrate, Fast Track Court, Srivilliputhur, seeking to set aside the order passed by the trial Court for the offence under Section 243(2) of Code of Criminal Procedure seeking permission of the Court to examine one Mr.Nethaji and the Branch Manager IDFC First Bank.

2. The petitioner is an accused in a complaint under Section 138 r/w Section 142 of Negotiable Instruments Act. When it was posted for the evidence of the defence side, the petitioner after examining DW1 on 04.03.2026 had filed the present application on 11.03.2026 under Section 243 (2) of Cr.P.C., seeking to examine one Mr.Nethaji and the IDFC Bank Manager, Valasarvakkam Branch, Chennai.

3. According to the learned counsel appearing for the petitioner, the petitioner has originally borrowed money from one Parivallal. Since he was a government servant, the lending was done through his neighbour namely, Nethaji. He had also remitted money to the account of Nethaji. Therefore, in



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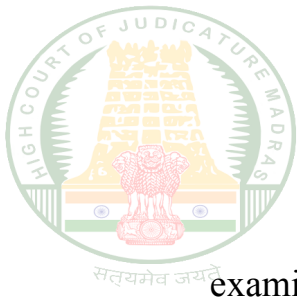
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order to prove these facts, the petitioner wanted to examine the said Nethaji and the Manager of the IDFC Bank. However, the said application has been dismissed. Hence, the present petition has been filed.

4. Per contra, the learned counsel appearing for the respondent submitted that the question of examination of Nethaji would not arise in view of the fact that he is neither the lender nor the borrower and no cheques have been issued in the name of Nethaji and he is in no way connected with the present transaction. He further submitted that the examination of the branch Manager also does not arise because he has nothing to do with the present petition. Hence, he prayed for sustaining the order passed by the trial Court.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

6. According to the learned counsel appearing for the petitioner, he had remitted money to the account of Nethaji through his IDFC bank account. However, the role of Nethaji has not been explicitly stated. When the said Parivallal has already been examined as P.W.2 on the side of the complainant,



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examination of Nethaji would not have any relevance for the disposal of this case. In case, if the petitioner wishes to prove that he had remitted the amount to the account of the said Nethaji it could be done through filing of bank statements of the IDFC Bank.

7. In such circumstances, this Court is of the considered opinion that the order of the trial Court could be partly set aside with regard to the examination of the Bank Manager and it is confirmed with regard to examination of Mr.Nethaji.

8. In view of the above said facts, this Criminal Original Petition is partly allowed permitting the petitioner to examine the Manager of IDFC First Bank, Valasaravakkam Branch. Consequently connected Miscellaneous Petition is closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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1. The Judicial Magistrate,
Fast Track Court,
Srivilliputhur.
2. The IDFC Bank Manager,
Valasarvakkam Branch,
Chennai
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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