

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE I, CHITTUR**

Present: Sri. Sivadas S, Judicial First Class Magistrate

Dated, this the 26<sup>th</sup> day of March, 2026**CMP 1/2026 IN ST 2246/2022**

N. Jayasankar, aged 65 years, S/o Vasudevan, : Complainant.  
Souparnika, VP Thara, Oottara, Kollengode(PO),  
Palakkad.  
(By Adv.Sri. U Suresh)

T.K. Nandakumar, aged 54 years,  
S/o Aravindakshan Nair, 3/219, Sree Nilayam : Accused  
Banglaprambu Colony, KTC Junction,  
Kanjikode, Palakkad.

**ORDER**

This is a petition filed under section 91 of The Code of Criminal Procedure, 1973 by the counsel for the complainant.

2. The original complaint is a complaint filed under Section 138 of The Negotiable Instruments Act.

3. The allegation in the complaint in brief are as follows: The accused borrowed an amount of Rs. 24,00,000/- from the complainant on 04.04.2022 and for discharging that liability he has issued a cheque dated 10.05.2022 for the said amount. An amount of Rs. 10,00,000/- each was given to him by his cousin Shobana and Sathidevi into his account at Vadavannur Service Co-operative Bank, Oottra Banch bearing no. 00200 30003169 and Rs. 4,00,000/- was given by his children. So in order to prove that the cousins of the complainant had given Rs. 10,00,000/- each and he had withdrawn that amount from Vadavannur Service Co-operative Bank, he has called for the ledger extract of his account for the period from 01.03.2022 to 05.04.2022 and to give evidence. Hence this petition.

4. On filing this petition notice was given to the accused. The accused filed objection. In the objection it is stated that there is no bonafides in the petition. The petition is highly belated. This petition is filed in order to fill up the lacuna in the evidence of the petitioner. In the reply notice itself the accused has stated that the complainant has no ability to give this much amount. So after ascertaining the fact he has not taken any steps to prove his case before his evidence is started. Even if the documents as called for and it is produced it will not be helpful for disposing the matter. Only to drag the proceedings they have filed this petition. So they prayed to dismiss the petition.

7. Heard both sides.

8. The learned counsel for the petitioner argued that during cross examination of PW1 he deposed before this court that the amount of Rs. 24,00,000/- was borrowed and was given to the accused. According to him he deposed during cross examination that Rs. 10,00,000/- were given to him by his cousins to his account at Oottra Service Co-operative Bank. So he contented that in order to prove that the amount was transferred to his account and he had withdrawn that amount from the account. Calling for that document from the bank is highly essential. Hence he prays to allow the petition.

9. The learned counsel for the respondent argued that this petition is highly belated one. This is filed in order to fill up the lacuna in the case of the complainant. In the reply notice the accused has got a specific contention that the complainant is not having the capacity to lend this much amount. Even though he came to understand about it, he has not produced any document to substantiate his claim. Even if the documents sought for is produced it will not improve the complainant's case. This was filed only to drag the proceedings. So he prays to dismiss the petition.

10. I have gone through the evidence in the complaint. The complainant has not specifically pleaded about the source of this cash. But during cross examination he

specifically deposed that it was given as cash to the accused. Rs. 4,00,000/- were given by his children and Rs. 10,00,000/- each were given by his two cousins and one is Shobana and other is Sathydevi and they have sent the amount to Vadavannur Service Co-operative Bank at Oottara on 17.03.2022 and 25.03.2022. So in cross examination he has deposed the source of cash to him. According to him he was not having any cash with him. But he had arranged the cash from his 2 cousins and his children. So this petition is filed in order to prove that his 2 cousins had transferred the amount to his account at Oottra Service Co-operative Bank. So I find that a chance can be given to the complaint to prove his case. According to him his 2 cousins have transferred the amount of Rs. 10,00,000/- each to Oottra Service Co-operative bank and from that account he had withdrawn the amount. So in order to prove the same the ledger account of that account is highly necessary and hence this is allowed.

Issue summons to the Secretary , Oottra Service Co-operative Bank to produce the documents and to give evidence. Pay batta of Rs. 1000/- directly.

Dated this the 26<sup>th</sup> day of March, 2026

Sd/-  
Judl. First Class Magistrate-I,  
Chittur

- true copy -

Judl. First Class Magistrate-I,  
Chittur