

**IN THE COURT OF THE JUDICIAL MAGISTRATE,
SULUR, COMBATORE DISTRICT.**

**Present: Thiru.T.Arunkumar,M.A.,M.L.,M.B.A.,
Judicial Magistrate, Sulur**

Wednesday the 8th day of April 2026

MP No: 5/2024

in

STC 934 of 2022

Mr. A. Nachimuthu (86/2022),
S/o. Mr. Appakutty Gaundar.

...Petitioner/Complainant

-Vs-

Mr. R. Sugumaran (76/2022),
S/o. Mr. MRMA. Ramanathan.

...Respondent/Accused

This petition has been filed on 05.11.2024 and came for final hearing on 02.04.2026 in the presence of Thiru.V. Jeevaprabhakar, B.A.,B.L., learned counsel for the applicants and Thiru.Vishwanathan, B.A.,B.L., learned counsel for respondent and on perusal of the petition and connected records and on hearing both sides, this court passed the following

The present petition has been filed by the Petitioner under section 294 of Cr.Ps.C (U/s 330 of BNSS), prays to direct the respondents mark the documents and thus render justice.

1. The gist of the petition filed by the Petitioner is as follows:

(1.1) The petitioner respectfully submits that he is the accused in S.T.C. No. 934 of 2022 pending on the file of the Hon'ble Judicial Magistrate Court, Sulur, and the respondent herein is the complainant in the above case.

(1.2) The petitioner submits that the above case has been instituted against him for an alleged offense under Section 138 of the Negotiable Instruments Act. The petitioner further submits that he has already entered appearance and has adduced evidence before this Hon'ble Court.

(1.3) The petitioner submits that he is in possession of certain documents which are necessary and relevant for the just adjudication of the case, and which would substantiate

his defense. The petitioner submits that the said documents include prior, legal notices, rejoinder notice, replies, and electronic evidence, all of which are essential for proper appreciation of the facts and circumstances of the case.

(1.4) The petitioner submits that due to inadvertence and circumstances beyond his control, the said documents could not be marked earlier at the appropriate stage. The petitioner therefore seeks the leave of this Hon'ble Court under Section 294 Cr.P.C. (corresponding to Section 330 of BNSS) to permit him to produce and mark the said documents as exhibits on his side. The petitioner submits that no prejudice will be caused to the respondent if this petition is allowed, whereas grave prejudice would be caused to the petitioner if he is denied the opportunity to mark the said documents.

(1.5) It is therefore prayed that this Hon'ble Court may be pleased to permit the petitioner/accused to produce and mark the documents listed in the accompanying schedule as exhibits on his side, and thus render justice.

2. The gist of the counter filed by the Respondent is as follows:

(2.1) The respondent denies all the allegations made in the complaint except those that are specifically admitted herein. The allegations stated in the complaint are false, incorrect, and denied. The complainant is put to strict proof of each and every allegation.

(2.2) The documents listed by the complainant (Items 1 to 14) are not genuine, are not properly proved, and cannot be relied upon unless strictly established in accordance with law. There was no valid monetary transaction between the complainant and the respondent as alleged. The claim of liability is false and fabricated. The complainant has falsely alleged that amounts were paid on different dates (including October and December 2016). No such payments were made, and no legally enforceable debt exists.

(2.3) The complainant's version regarding issuance of cheque is incorrect. The cheque was not issued towards discharge of any legally enforceable liability. The essential ingredients required under Section 138 of the Negotiable Instruments Act are not satisfied in this case. The complainant has not approached the Court with clean hands and has suppressed material facts. The documents relied upon by the complainant do not establish any legally enforceable debt or liability and are not sufficient to prove the case.

(2.4) Several documents relied upon are inadmissible and cannot be accepted as

evidence under law. The respondent denies the correctness and relevance of the documents marked as exhibits and calls upon the complainant to prove the same strictly. The complainant has failed to establish the basic facts necessary to sustain the petition. The respondent has not borrowed any amount from the complainant, and there is no legally recoverable debt.

(2.5) The allegations regarding cheque issuance and dishonor are denied. The complainant has not followed proper legal procedure. The entire petition is false, vexatious, and filed with ulterior motive to harass the respondent. The complainant has also initiated other proceedings, but the same do not support his claim in the present case. The respondent has not admitted any liability at any stage, and the complainant has failed to prove the case beyond reasonable doubt. Further the registered documents were registered in the year 2012 to 2018 no way connected with the present case of the complaint. And further the respondent stated in the counter that the Petitioner/Accused never filed any complaint before the police station for return of cheques.

(2.6) The Respondent/Complainant further states in his counter that the petitioner/accused was set exparte in OS No. 454 of 2019 before Hon'ble first additional District Court, Dharapuram. The complainant has not produced valid evidence to support his claim, and the burden of proof has not been discharged. Hence, the respondent prays that this Hon'ble Court may be pleased to dismiss the complaint as devoid of merits.

ORDER

3. This petition is filed by the accused under Section 294 Cr.P.C. (corresponding to Section 330 of BNSS) seeking permission to produce and mark certain documents as exhibits on his side.

Heard both sides. Perused records.

The learned counsel for the petitioner/accused submitted that the accused has already adduced evidence and is in possession of certain relevant documents, which are necessary for proper adjudication of the case. It is further submitted that due to inadvertence, the said documents could not be marked at the appropriate stage. The learned counsel for the respondent opposed the petition contending that the petition is belated and intended to protract the proceedings.

4. Point for Consideration

Whether the petitioner/accused is entitled to permission to produce and mark additional documents at this stage?

5. Discussion & Findings

(5.1) It is seen that the case is one under Section 138 of the Negotiable Instruments Act. The defense of the accused, as seen from the counter averments, is that there was no legally enforceable debt and that the documents relied upon by the complainant are disputed. The documents sought to be marked by the accused include prior notices, replies, and electronic evidence, and also registered documents, cheque book particulars which prima facie appear to be relevant for the purpose of establishing the defense.

(5.2) It is a settled principle of law that procedural rules are handmaids of justice and should not be applied in a manner that defeats substantive justice. The object of a criminal trial is to discover the truth, and both parties must be afforded reasonable opportunity to present their case.

(5.3) The Hon'ble Supreme Court in **Natasha Singh v. CBI** has held that courts should be liberal in permitting additional evidence if it is essential for a just decision of the case. Further, in **Rajaram Prasad Yadav v. State of Bihar**, the Hon'ble Supreme Court reiterated that if the evidence sought to be adduced is relevant and necessary, the court should permit the same in the interest of justice. The Hon'ble Madras High Court in **S. Palanisamy v. State** has held that denial of an opportunity to mark relevant documents would result in prejudice and failure of justice.

(5.4) In the present case, no serious prejudice would be caused to the complainant if the documents are permitted to be marked, as the complainant will have the opportunity to cross-examine and rebut the same. On the other hand, refusal to permit the accused to mark the documents would seriously prejudice his defense.

6. Conclusion

Considering the nature of the case, the relevance of the documents, and in the interest of justice, this Court is of the view that the petition deserves to be allowed.

Dictated by me to the Steno typist and typed by her directly in the computer and

after effecting necessary corrections pronounced by me in the open Court on this the 08th day of April 2026.

(Sd/- T. Arunkumar)

Judicial Magistrate,

Sulur.

Applicant side witness: - Nil

Applicant side list of Documents: - Nil

Respondent side witness: - Nil.

Respondent side documents: - Nil.

(Sd/- T. Arunkumar)

Judicial Magistrate,

Sulur.