



**Crl.M.P.No.75 of 2026**

**IN THE COURT OF FAST TRACK AT MAGISTERIAL LEVEL,KARAIKUDI.**

**PRESENT: THIRU.J.KARMEGAKANNAN, B.A.,B.L.,**

**Judicial Magistrate,**

**Fast Track Court at Magisterial level,**

**Karaikudi (FAC),**

**Dated this the 18<sup>th</sup> day of March, 2026**

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**in**

**Calender Case No.103 of 2022**

**CNR No. TNSV12 – 2000100 - 2026**

Vijayakumar (44/2026)

S/o.Dhinakaran,

D/No.88/1A, Vaikasi Street,

Kurunjipuravu,

Karaikudi Taluk,

Sivagangai District

..... Petitioner /Accused

\vs/

S.Thirupathirajan(38/2026),

S/o.Senbaga Moorthy,

D/No.19, Kamarajar Veethi,

Kalanivasal Puthu Road,

Karaikudi Taluk,

Sivagangai District.

.....Respondent / Complainant

This petition was taken on file before this court and numbered as Crl.M.P.No.75 of 2026 and came up for final hearing before me on 18.03.2026 in the presence of Tmt.V.Vijaya the learned counsel for the complainant and Thiru.R.Abdul Sithkque the learned counsel for the defence and upon hearing the arguments and perusing all the connected



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materials, having stood over for consideration till this day, this court do the following:

**ORDER**

1.The petition has been filed by the petitioner/accused under Section 91 of Cr.P.C. seeking a direction to the respondent/complainant to produce the sale agreement dated 05.01.2021.

2. The respondent herein is the complainant in the main case. The complainant has filed the main complaint under Section 138 of the N.I. Act alleging dishonour of cheque bearing No.000091 drawn on Bank of Baroda, Karaikudi Branch for a sum of Rs.5,00,000/-. Pending disposal of the main case, the present petition has been filed by the petitioner/accused.

3. The petitioner has stated that the main case is now posted for defence side arguments. According to him, during the cross examination of the respondent/complainant, the complainant has admitted that there was an agreement for sale between his father and the accused. Hence the petitioner contends that the said agreement for sale dated 05.01.2021 is very important for deciding the case. It is his further submission that if the said agreement is produced before this Court, it



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will clearly show that the petitioner has already repaid the entire amount. Therefore, the petitioner seeks a direction to the respondent/complainant to produce the said sale agreement before this Court. According to the petitioner, if the said document is not called for, he will be put to irreparable loss and hardship.

4. Per contra, the respondent/complainant has filed a counter affidavit stating that the entire evidence on both sides has already been completed and the complainant side arguments have also been heard. It is further stated that the matter had been repeatedly posted for the petitioner side evidence on 11.12.2025, 03.01.2026, 22.01.2026 and 05.02.2026, but the petitioner failed to utilise those opportunities. Thereafter the case was posted for arguments on 12.02.2026 and subsequently on 23.02.2026 and 25.02.2026 for the petitioner side arguments, but the petitioner did not utilise the same. According to the respondent, the present petition has been filed only to protract the proceedings and the reason stated for seeking production of the document has not been properly explained. Hence the respondent prayed for dismissal of the petition.

5. This court heard both sides and perused the materials available on record.



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6. Admittedly, the matter is now posted for defence side arguments as a final chance. At this stage the present petition has been filed seeking direction to the complainant to produce the alleged agreement for sale dated 05.01.2021. The records reveal that several opportunities were given to the petitioner to adduce his side evidence on 11.12.2025, 03.01.2026, 22.01.2026 and 05.02.2026, but he failed to utilise the same and therefore his side evidence was closed on 05.02.2026. Thereafter the case was posted for arguments on 12.02.2026, 19.02.2026 and 23.02.2026. It is also seen that the petitioner had earlier filed a petition under Section 315 Cr.P.C. seeking to examine one Vigneshwaran and the same was dismissed on 27.02.2026. Subsequently the case was again posted for defence side evidence on 03.03.2026 and 05.03.2026, and thereafter the present petition has been filed.

7. The main reason stated by the petitioner for filing this petition is to obtain the sale agreement dated 05.01.2021. However, according to the petitioner himself, the agreement was entered into between the complainant's father and the petitioner. Therefore, the petitioner, being a party to the said agreement, could have produced the same before this court at the appropriate stage when opportunities were given for his side evidence. No satisfactory explanation has been given for not producing the document earlier. Further, from the deposition of the complainant it



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is seen that the petitioner has already questioned the complainant regarding the alleged agreement for sale during cross examination. Hence the necessity to direct the complainant to produce the said document at this stage does not arise.

8. Hence, by considering the stage of the case and the repeated opportunities already given to the petitioner, this court is of the view that the present petition has been filed belatedly without sufficient reason and appears to have been filed only to delay the proceedings.

9. In the result, this petition is dismissed.

Pronounced by me in the open court, this the 18<sup>th</sup> day of  
March, 2026.

Judicial Magistrate,  
Fast Track Court at Magisterial level,  
Karaikudi(FAC).