



Crl.M.P.No.277 of 2025

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 23th day of March, 2026

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In

Calender Case No.9 of 2024

CNR No. TNSV12 -000554 - 2025

Vinotha

D/o.Manimuthu,

Thanthai Periyar Nagar,

Bharma Colony,

Karaikudi Taluk,

Sivagangai District.

..... Petitioner / Accused

-vs-

Gunasundhari,

W/o.Suresh,

Annamalai Chettiyar Street,

Sekkalai 1st Sreet,

Karaikudi Taluk,

Sivagangai District.

.... Respondent / Complainant

This petition was taken on file before this court and numbered as Crl.M.P.No.277 of 2025 and came up for final hearing before me on 23.03.2026 in the presence of Thiru.R.Ramasamy the learned counsel for the complainant and Thiru.VP.Kamaladhayalan the learned counsel for the defence and upon hearing the arguments and perusing all the connected materials, having stood over for consideration till this day, this court do the following:



ORDER

1.The present petition has been filed by the petitioner/accused under Section 315 of the Code of Criminal Procedure seeking permission to examine herself and also the bank officials of the complainant, namely the Branch Manager of Indian Bank, Karaikudi.

2.The main complaint has been preferred by the respondent/complainant under Section 138 of the Negotiable Instruments Act in respect of dishonour of cheque bearing No. 000058 dated 05.09.2023 drawn on HDFC Bank, Karaikudi Branch for a sum of Rs. 4,68,000/-. During the pendency of the said case, the present petition has been filed.

3. The petitioner/accused has contended that in order to prove her defence, it is essential for her to examine herself as well as the bank officials of the complainant. It is further submitted that the complainant, during the course of cross-examination, has admitted that he has no objection to examining his bank officials. According to the petitioner, if such permission is not granted, she would be put to irreparable loss and hardship.

4. Per contra, the respondent/complainant has contended that the present petition is not maintainable. It is further submitted that under Section 315 of the Code of Criminal Procedure, the petitioner cannot seek to examine the bank manager of the complainant. It is also argued



that the case is already posted for defence side evidence, and the petitioner has not assigned any valid or specific reason as to why the bank officials are required to be examined. According to the respondent, the petition has been filed only with an intention to protract the proceedings and hence it is liable to be dismissed.

5. This Court has heard the submissions made on either side and perused the entire materials available on record.

6. The point that arises for consideration in this petition is whether the petition filed by the petitioner/accused under Section 315 of the Code of Criminal Procedure seeking permission to examine herself and the bank officials of the complainant is liable to be allowed?

7. At the outset, it is an admitted fact that the main case is presently posted for defence side evidence. At this stage, the petitioner has come forward with the present application. So far as the request of the petitioner to examine herself as a witness is concerned, Section 315 of the Code of Criminal Procedure permits an accused to be examined as a witness on her own behalf. Therefore, the said request is legally sustainable and can be allowed.

8. However, with regard to the request to examine the bank officials of the complainant, this Court finds that the petitioner has not assigned any valid or specific reason as to why such examination is



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necessary. The petitioner has not explained how the evidence of the bank officials would assist the Court in arriving at a just decision or in substantiating her defence. There is absolutely no material placed before this Court to show the relevance and necessity of such examination.

9. Likewise, merely because the complainant has stated during cross-examination that he has no objection for examining his bank officials cannot, by itself, be a sufficient ground to allow such a request. The burden lies upon the petitioner to establish the necessity and relevance of the proposed evidence, which is clearly absent in the present case.

10. In view of the above facts and circumstances, this court is of the considered opinion that the petition cannot be allowed in its entirety.

11. In the result, the petition is partly allowed, permitting the petitioner/accused to examine herself as a witness. The prayer seeking permission to examine the bank officials of the complainant is dismissed.

Pronounced by me in the open court, this the 23th day of
March, 2026.

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



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