

IN THE COURT OF JUDICIAL MAGISTRATE, KANGAYAM

PRESENT : Miss. D. Thenmozhi, B.A., B.L., L.L.M.,

Judicial Magistrate, Kangayam

Dated : Tuesday, the 15th day of April 2025,

CrI.M.P.No: 5388/2024

in

STC- 39/2018

Duraisamy (45),

S/o. Palanisamy

...Petitioner/Accused

/Vs/

K. Saravanakugan (36),

S/o. Krishnasamy

... Respondent/Complainant

This petition has come up on 15.04.2025 for final hearing before me in the presence of Thiru. K.C. Mohankumar, B.B.M., LL.M., learned counsel appearing for the Petitioner/Accused and Thiru.R.S. Prabakaran, B.A.,B.L, learned counsel appearing for the Respondent/Complainant and upon hearing both side and upon perusal of the records, this court delivers the following:

ORDER

The petitioner has filed an application under Section 91 of the Cr.P.C, seeking the production of documents from the Branch Manager, Karur Vysya Bank, Velakovil Branch, including: **1)** Account opening form and related documents for Account No. 1295174000001231. **2)** Account statements from 10.01.2018 to 29.03.2018.

The complainant has opposed the application, arguing that: The documents requested are irrelevant to the matter at hand.The application has been filed at a belated stage during the final hearing with the intent to delay proceedings. The petitioner has failed to establish how the requested documents are necessary for adjudicating the case.

This Court has carefully considered the arguments of both parties and examined the records. The petitioner is obligated to demonstrate the necessity and relevance of the documents sought, as laid down in **State of Orissa vs. Debendra Nath Padhi (2005) 1 SCC 568**, where the Hon'ble Supreme Court held that a petition under Section 91 Cr.P.C must satisfy the court regarding the relevance and necessity of the documents in question. Further, in **T. Nagappa vs. Y.R. Muralidhar (2008) 5 SCC 633**, the Supreme Court reiterated that the court must be cautious in exercising its discretion under Section 91 Cr.P.C and ensure that such petitions are not used as tools for delaying justice.

The petitioner has failed to demonstrate how the requested documents are directly relevant to rebutting the presumption against the accused under Section 139 of the Negotiable Instruments Act. The timing of the application, filed during the final hearing, indicates mala fide intentions aimed at delaying the proceedings. The petitioner has already been afforded sufficient opportunities to present evidence and defend their case.

Accordingly, this Court finds no merit in the application. Allowing such a petition at this stage would unnecessarily delay the resolution of the case, contrary to the principles of justice.

Hence this petition is dismissed.

This order is pronounced in open Court on this 15th day of April 2025.

Sd/- D. Thenmozhi, Dt. 15.04.2025

Judicial Magistrate,
Kangayam.