

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, THANJAVUR.

PRESENT: **Thiru.P.Velmurugan, B.A., B.L.,**  
Principal Sessions Judge, Thanjavur.

Tuesday, the 28<sup>th</sup> day of April, 2026.  
(Thiruvalluvarandu 2057 Sri Parabhava Varudam Chitirai Thingal 15<sup>th</sup> day)

**Crl. M. P. No. 6333/2024 in CA No. 65/2024**  
**CNR No. TNTJ01 – 010017 – 2024**

Jothimani, aged 40/2026,

S/o. Pechimuthu,

No. 48, 2<sup>nd</sup> Street,

RTP Nagar, Keelavastha Chavadi,

Pattukkottai By–Pass,

Thanjavur.

...

Petitioner / Appellant / Accused

versus

Rajeswari, aged 55/2026,

W/o. Elangovan,

No. 6/52, Cauvery Nagar West,

Pudukkottai Road, Thanjavur.

...

Respondent / Respondent / Complainant

This Criminal Miscellaneous Petition was taken up for final hearing before this Court on 30.03.2026, and, upon hearing the arguments of Mr.K.Parthiban, Learned Advocate appearing for the Petitioner and Mr. R.M.Raj, Learned Advocate appearing for the Respondent and upon perusing the available records and having stood over for consideration till this day, this Court passed the following ...

**ORDER**

(1) This petition has been filed by the petitioner/appellant under Section 432(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to permit the petitioner to mark a certified copy of the sale deed dated 17.10.2018, standing in the name of the respondent/complainant in respect of the property in question, on the petitioner's side through his examination.

**(2) The case of the petitioner is that:**

The respondent purchased property from the petitioner's father, Pechimuthu, who is the absolute owner, through a registered sale deed bearing document No. 6045/2018 dated 17.10.2018 for a sum of Rs. 9,60,600/-. Subsequently, disputes arose when the respondent influenced by third parties, demanded return of the sale consideration and later a higher amount. During this dispute, a blank signed cheque bearing No.000001 drawn on HDFC bank was obtained from the petitioner under coercion for security purpose and later misused by the respondent by filling in Rs.30,00,000/- and presenting it, leading to a complaint under Section 138 of the Negotiable Instruments Act, 1881. During trial, despite evidence indicating a civil dispute, the Trial Court convicted the petitioner, relying on presumption under Section 118 and 139 of the said Act. The petitioner now seeks to produce the registered sale deed dated 17.10.2018, which is recently obtained, as crucial evidence to establish the true transaction value and disprove the respondent's claim. Non-marking of this document would cause serious prejudice, whereas allowing it would

not harm the respondent. Hence, this petition.

(3) On the other hand, the respondent has strongly objected stating that the petition is not maintainable either in law or on facts, and is liable to be dismissed in limine. The petition is filed solely with an ulterior intention of protracting the proceedings. The petitioner and his witnesses have already admitted before the Trial Court that a sum of Rs. 30,00,000/- was involved. Hence, as per settled law, admitted facts need not be proved. Further, the petitioner had repeatedly assured repayment of the said amount in the presence of witnesses, which is already on record. Despite this, the petitioner has failed to repay the amount and has filed this petition with dishonest intent to cheat and avoid liability. The petitioner is also aware of issues relating to the property sold, including encroachment by adjoining landowners. The respondent, having paid Rs. 30,00,000/-, has neither recovered the money nor secured peaceful possession of the property and has suffered severe financial loss and mental distress for several years. The petitioner had sufficient opportunities before the Trial Court but failed to utilize them. The document, now sought to be produced, has no relevance to the cheque dishonour case and the present petition is unnecessary and intended solely to protract litigation. The petition, therefore, deserved to be dismissed with costs.

(4) **Point for consideration in this petition is that**

*Whether the petition is to be allowed as prayed for ?*

**Point:**

(5) The petitioner has filed this petition to place on record a registered sale deed bearing Document No.6045/2018 dated 17.10.2018. According to the petitioner, the respondent purchased the property from the petitioner's father, Pechimuthu, the absolute owner, under the said registered sale deed for a sum of Rs. 9,60,000/-. This Court is of the view that the said document, being a registered instrument, carries evidentiary value and is necessary for a just adjudication of the dispute.

(6) Per contra, the respondent has strongly objected, contending that the petitioner has already admitted the transaction of Rs. 30,00,000/- before the Trial Court and, therefore, no further proof is required. It is further contended that the petitioner had sufficient opportunity earlier but failed to utilise the same and is now attempting to protract the proceedings. The document sought to be marked is stated to be irrelevant to the cheque dishonour case.

(7) Considering the submissions made on either side and upon perusal of the records, this Court finds that the said document is a relevant and material piece of evidence, necessary for the just and proper adjudication of the issues involved in the appeal, particularly with regard to the nature of the transaction and the existence of a legally enforceable liability.

(8) Since the document is a certified copy of a registered sale deed and its genuineness is not seriously disputed, this Court is inclined to receive the same as additional evidence. Thus, the point is answered accordingly.

(9) In the result, this Criminal Miscellaneous Petition is allowed, and the petition-mentioned document, namely the certified copy of the registered sale deed bearing Document No. 6045/2018 dated 17.10.2018, is marked as Ex.D1.

This Order is dictated to the Stenographer Grade – I of this Court, typed by her in computer directly, corrected and pronounced by me in the open Court, on this 28<sup>th</sup> day of April, 2026.

**Principal Sessions Judge,  
Thanjavur.**

Draft / Fair Order in  
Crl.M.P. No. 6333/2024 in CA No. 65/2024  
Prl. Sessions Court, Thanjavur.  
Dated: 28.04.2026.