

In the court of the Fast Track Court (Magisterial Level), Kovilpatti

Present: Thiru.K. Anand., M.L.,

Judicial Magistrate,(FAC)

On this 17th day of July month of 2026,

Crl.M.P.No. 49/2026

in

S.T.C.No. 135/2024

Jegadeesh

.... Petitioner / Accused

/Vs/

Venkatraman

.... Respondent / Complainant

ORDER

This petition is filed by the Petitioner's counsel Thiru.K.Balamurugan and Thiru.J.Maheshkumar appeared for the Respondent and having perused the available materials on record this court delivered the following.

Brief of petition

1. This petition is filed by the petitioner u/s.243 of Crpc. The petitioner is the Accused in this case and the Respondent is the Complainant in this case.
2. The petitioner and respondent are partners in lemons club textile company and the respondent misused the cheque of the petitioner which was given for administration purpose. The petitioner's wife was running two companies. There were transactions between the petitioner's bank account and respondent's Renuka Traders bank account for business purposes.
3. There were transaction from 2015 to 31.12.2023 between the petitioner's ICICI bank, Kovilpatti branch account and petitioner's wife IOB,

Kovilpatti branch, Loyal classic creation's account and IOB, Kovilpatti branch, Jai Adithya washing account and respondent's IOB, Kovilpatti branch, Renuka Traders Account. The PAN card was obtained in the name of respondent's wife Uma and petitioner's wife Gunavathi for starting joined business. The respondent's wife has to be examined to prove the above. One Krishnan employed in Lemon's club company has to be examined to prove that respondent was a partner in the petitioner company.

Counter

4. The Respondent objected that this petition is filed to delay the proceedings and liable to be dismissed and the contents of the petition is false. The respondent in the case admitted that there were transaction between the petitioner and the respondent. There is no connection between the petitioner's wife and this case. Since the above PAN card was marked as a Exhibit no oral evidence heard. The petitioner may have prove the partnership by marking the partnership deed. The above Krishnan is the close friend of the petitioner and the petitioner and above Krishnan are jointly doing business.
5. **The point for consideration is whether this petition is to be allowed or not?**
6. Both sides heard. Records perused.
7. The petitioner filed this petition to for examining above IOB bank manager, Kovilpatti branch for marking Renuka Traders bank account statement and wife of the respondent and above Krishnan as defence

witness to prove his defence. But, the respondent objected that the petition is filed only to delay the proceedings and examination of above witnesses are not necessary and the petitioner has other ways to prove his defence.

8. The wife of the respondent cannot be compelled to give evidence against her husband, the respondent. Already two PAN cards were marked as Ex.D6. The business relationship of petitioner's wife and respondent's wife could be proved by other documents and examination of respondent's wife is not necessary. Moreover the pleading of the petitioner is that respondent is a partner in the petitioner's company, could be proved by other related documents and examination of above krishnan is not necessary. The examination of bank manager, IOB, Kovilpatti branch by the petitioner is necessary to prove the above banking transactions. There is sufficient cause shown by the petitioner to examine the above bank manager. But there is no sufficient cause shown by the petitioner to examine above Uma and Krishnan. The reason stated in the petition to examine above Uma and Krishnan as defence witnesses is not sufficient.
9. Considering the fact that no prejudice will be caused to the Respondent and giving fair opportunity to petitioner to prove his case and petitioner shall prove his case by examine the above bank manager by marking above bank statements and above bank manager and above bank statements are relevant to this case and the petitioner is permitted to examine Bank Manager of Indian Overseas Bank, Kovilpatti Branch by marking of above bank statement for the period of 2015 to 31.12.2023 and other relevant documents as defence witness. The prayer for examination of respondent's wife and above Krishnan is dismissed.

Hence interest of justice this petition is partly allowed accordingly.

Dictated to the Steno-Typist and directly typed by her in Computer and corrected by me and Pronounced by me in the open court on this day 17th day of July 2026.

Judicial Magistrate,
Fast Track Court,
Kovilpatti(FAC).