

**IN THE COURT OF JUDICIAL MAGISTRATE, GINGEE**

**Present : Tmt.B.Vidhya., L.L.M.,**

**Judicial Magistrate, Gingee**

**Dated this the 21<sup>st</sup> day August 2025, Thursday**

**M.P. No: 1/2025**

**in**

**STC.No:319/2023**

V.Suresh (Age 42)  
S/o. Venkatraman  
No.2A/2, Rajendhira Nagar,  
8<sup>th</sup> Cross Street, Gingee Taluka,  
Villupuram Dist – 604 202.

...Petitioner/Accused

/Vs./

K.Prabu (Age 38)  
S/o. Kaliyaperumal,  
No.136, Mariyamman Kovil Street,  
Thathankuppam Village,  
Sevalapuri Post, Gingee,  
Villupuram Dist – 6044 202.

....Respondent/Complainant.

This petition has been filed by petitioner on 30.04.2025 and coming before me finally for hearing on 21.08.2025 in the presence of Thiru. P.Venketesan, for the petitioner/accused and Thiru.G.Rajendran, for the respondent/complainant and upon hearing both sides, and perusing the records, this court passed this following.

**ORDER**

**The petition filed by the petitioner/Accused U/s 311 of Cr.p.c.**

**1. Brief Averments of the petition:-**

The petitioner submitted that, he is the accused in the main case and the case is filed by the respondent against him. He further submitted that a false case was foisted upon him and he is no way connected with the respondent. Further he submitted that he was introduced to one Mr.Palaniappan who was working in the Sri Annamalaiyar Financier by his friend Mr.Senthil Murugan and Balakamaraj. He further submitted that he took finance from the said financier and for the same he handed over a blank cheque bearing No.000093 & 000094 drawn on City Union Bank, Gingee Branch, as a security for the loan.

He further submitted that he also gave four unfilled cheques, six promissory notes, one unfilled stamp paper worth Rs.100/-, all with authorized signature to the above said Sri. Annamalaiyar Financier. He further submitted that during Covid pandemic (I.e) on January 2023, the above said Palaniappan and four others forced this petitioner to pay the loan amount, for the same this petitioner asked them to furnish the complete debt details and the above said persons replied as they will furnish the same after checking the accounts.

He further submitted that when the above said persons once again came and asked to pay the debt amount, he agreed to pay the amount mentioned in the documents provided by him and also demanded them to return back the unfilled cheques, promissory notes, stamp papers given by him as stated earlier. He further submitted that, the above said persons haven't responded to it, which created doubt to him and so lodged a complaint before DSP, Gingee, based on it enquiry was held in the police station.

He further submitted that due to the improper reply given by the said Mr. Palaniappan he forthwith made a request to the City Union Bank to stop the payments for cheques bearing No.000093 & 000094 on 15.02.2023. It is further submitted that later to it he received legal notice in respect of the above said cheques and so he lodged complaint before D1 Police station, Gingee and SP of Police, Villupuram for cheating him using his above said cheques. It is further submitted that enquiry was conducted and FIR was registered against Mr.Palaniappan, Mr.P.Saravanan and Mr.Prabu, further case was also numbered in Judicial Magistrate, Thiruvannamalai as C.C.No.215 of 2024.

He further submitted that he has a fair reason to succeed in the case and if the petition is dismissed he would be put to irreparable loss and hardship. Further he submitted that balance of convenience lies in his infavour and so prayed to reopen the defence side evidence stage and let him to produce his side evidence.

## **2. Brief facts of the Counter:-**

The respondent submitted that the petition filed by the petitioner/accused is not at all maintainable. Further he submitted that all the averments stated in the petition

are false, they are all concocted stories and denied all those averments. He further submitted that the petitioner had given contradictory statements in the petition and for the above said reason itself the petition is not maintainable. He further submitted that the petition doesn't contain the particulars of the amount which was borrowed by the petitioner from Sri Annamalaiyar finance, about the details of the persons who accompanied Mr. Palaniappan and this itself should that this petition is filed only with an intention to prolong the case and to abuse the process of law.

He further submitted that the petitioner is wasting the precious time of the court by filing one petition after the other, Starting from this court till Hon'ble High Court of Madras. He further submitted that all the petitions filed by the petitioner are decided infavour of this respondent. He further submitted that this court has given the petitioner several opportunities for his side evidence and at last this court closed the defence side evidence stage with a remark “ *This case is posted to today for defence side evidence as last chance. Accused called absent. No representation till 12.30 pm Defence side not interested to proceed in this case. Hence, defence side evidence is closed. For arguments call on 30.04.2025.*” He further submitted that this itself shows the lathergic manner and behavior of the petitioner and so prayed for dismissal of the petition.

### **3. Point for consideration:-**

Whether this petition is to be allowed or not?

### **4. Discussion:-**

Heard both sides and perused available records. It shows that the respondent file the present case against the petitioner for dishonour of cheque, the same was taken up on file. Perusal of notes paper reveals that on 09.01.2024 this respondent/complainant examined himself as P.W.1 and after several hearings P.W.1 was cross examined by this petitioner/accused. Subsequently, complainant side evidence was closed, case posted for questioning u/s 313(1)(b) Cr.Pc and at request of this petitioner case was posted for defence side evidence.

The present petition is filed to reopen the case to let in defence side evidence. In the said stage more than 5 opportunities were given to the petitioner. But he failed

to give his side evidence and so on 23.04.2025 defence side evidence was closed. This petition was filed in the next hearing itself. Perusal of petition shows that he hasn't filed this petition for the name sake. Because, the petitioner has stated his entire defence and the reasons which urged him to file this petition. Further during enquiry his counsel submitted that this petition was not filed after inordinate delay, hence an opportunity may be provided to reopen the case and let their side evidence.

Per contra, the counsel for the respondent submitted that the petitioner using this opportunity will drag on the case in the same stage for several hearings, which will cause serious miscarriage to justice. Considering the contentions of both sides, this court is of the considered opinion that dismissing this petition would cause loss and hardships to the petitioner. However, the contra decision would not affect the rights of the respondent. But at the same time to curtail the petitioner from dragging on the case in the same stage this court imposes a condition on the petitioner that he should examine his witnesses on the next hearing itself. In the result, this petition is allowed. No costs.

Dictated to the Steno-typist, and typed by him directly in the computer, corrected by me and pronounced by me on this 21<sup>st</sup> day of August 2025.

**Judicial Magistrate  
Gingee.**