

**IN THE COURT OF THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, SRIVILLIPUTTUR.**

Present: Thiru. R. Sundara Kamesh Marthandan, M.L.,
Judicial Magistrate, Fast Track Court, Srivilliputtur.

Wednesday, on the 11th day of February 2026

M.P. No. 16 of 2026

in

S.T.C. No. 22 of 2025

P. Raja

...Petitioner/Accused

-vs-

C. Guruvaiah

...Respondent/Complainant

This Petition came up before this Court today i.e., 11.02.2026. Advocates M/s. E.Daniel Parnaba & S. Pon Kanaga Surekha, for the Petitioner/Accused. Advocate Mr. J.Babusamy, for the Respondent/Complainant. Upon hearing both sides and Upon perusing the case records, this Court delivers the following:

ORDER

1. The Petitioner/Accused had filed the above Petition under Section 256 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking an order to issue summons to the Manager, Karur Vysya Bank, Srivilliputhur Branch.

2. The Petitioner/ Accused had stated that the Case is in the stage of defence evidence. The Karur Vysya Bank, Srivilliputhur Branch Manager has to be examined and summoned to produce important documents, in connection with the Cheques

bearing Numbers prior and Subsequent to the Case Cheque and with regard to the date of issuance of the Cheque Book. Only if the Karur Vysya Bank, Manager, Srivilliputhur is examined, the Petitioner's innocence could be established.

3. The Respondent had filed Counter stating that summoning the Bank Manager is unnecessary. The above Petition has been filed with intent to fish out facts. By examining the Bank Manager, the Statutory Presumption under Section 118 and 139 could not be rebutted. The above Petition is filed to summon unnecessary witness in order to protract the above Case. Hence the Respondent prayed for dismissal of the above Petition.

4. The Point for consideration, is whether the above Petition has to be allowed or not?

5. The Petitioner had stated that the examination of the Manager, Karur Vysya Bank in order to prove his defence. The Petitioner had stated that the said Manager has to be examined, in order to ascertain the period, when the Petitioner was issued with Cheque book and with regard to the encashment of the Cheques bearing numbers, preceding and succeeding the above Case Cheque. As the Petitioner had contended that the Cheque bearing numbers, preceding and succeeding the Case Cheque have been encashed or came up for collection, encashment in the same period, when the Case Cheque came up for collection, such particulars will be available with the Bank Manager. While deciding the above Miscellaneous Petition, it cannot be said that the

examination of the said Bank Manager of Drawee Bank as totally irrelevant. Since the case is in the stage of defence evidence, unless summons is issued, the said witness could not be procured. Hence this Court is of the considered view that the Petitioner is entitled for the for the Petition relief.

In the result the above Petition is allowed.

Dictated to the Steno Typist Transcribed and Typed by her, directly in Computer corrected and pronounced by me in Open Court this, the 11th day of February 2026.

Judicial Magistrate, Fast Track Court
Srivilliputtur.

Petitioner side witness & Documents : Nil
Respondent side witness & Documents : Nil

Judicial Magistrate, Fast Track Court
Srivilliputtur.