

**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.

Thursday, on the 2nd day of April 2026

M.P. No. 31 of 2026

in

S.T.C.No. 900 of 2022

Jeyakannan

...Petitioner/Complainant

-VS-

Ramachandiran

...Respondent/Accused

This Petition came up before this Court today on 22.03.2026 Advocate M/s. T.Thiruppathiraj & S.Venkatesh, for the Petitioner/Complainant. Advocate Mr. B.Muthukannan, for the Respondent/Accused. Upon hearing both sides and Upon perusing the case records and having stood over till date for Consideration, this Court delivers the following:

ORDER

1. The Accused had filed the above Petition under Section 145(2) of Negotiable Instruments Act, seeking an order to Permit the Petitioner/Accused to examine the Petition Scheduled witnesses namely 1. The Branch Manager State Bank of India, Srivilliputtur Branch, 2. The Branch Manager Karur Vysya Bank, Srivilliputtur Branch, 3. The Branch Manager, Indian Bank Srivilliputtur Branch, 4. The Branch Manager

Indian Overseas Bank, Srivilliputtur Branch.

2. The Petitioner/Accused had stated that in order to prove that the Petitioner has Financial Capacity, the examination of the above said four Bank Managers, in whose Bank, the Petitioner is having Bank Account is necessary. The Petitioner had also stated that those witnesses, have to be directed to produce, the respective Bank Account Statement covering the Period from 01.01.2019 to 31.12.2022. Hence the above Petition.

3. The Respondent had filed counter, stating that the above Petition is an afterthought, with intent to fillup the lacune. The Petitioner was given sufficient Opportunity to putforth his case. Even for prosecuting the case, the Petitioner had not appeared before this Court. Only after, issuance of Court Notice, the Petitioner had turned up. The Petitioner filed the various applications and was given additional opportunity also. The above Petition is prolonging tactics. After the Accused had exposed his defence, the above Petition is not maintainable. 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, he had file the above Petition, in order to overcome the defence, that the Petitioner do not have Financial Capacity, to lend the case amount, to the Accused. The Petitioner wants to examine Namely four Bank Managers. Among the four proposed Witnesses, the Complainant had mentioned only

one Witness namely, The Branch Manager, State Bank of India, Srivilliputtur Branch, in his Complaint. The Petitioner had not mentioned the Other three Proposed Witnesses, in his Complaint. The above Petition had been filed, after Cross examination of Complainant/PW1, by the Respondent/Accused. Hence, the Respondent contended that, after exposing his defence, the above Petition is not maintainable. As such, the contention made on either sides, as to the Financial Capacity of the Complainant, could be adverted to, in the above Miscellaneous Petition, to a limited extent.

6. The Respondent/Accused, even in his Ex. P6 reply Notice dated 30.09.2021, had claimed that, he came to know that the Petitioner/Complainant, do not have Financial Capacity, to lend the Cheque Amount. Such being the Case, the Petitioner if he wanted to his Financial Capacity, by examining, all his Bank Managers, could have very well, enlisted them, in his Complaint. The Complainant have not did so. Section 204 of Code of Criminal Procedure, stipulates that, unless the list of Prosecution Witnesses, has been filed, Summons shall not be issued. The purpose of said Section is to make the Accused, to be aware of the Witness and documents, through, which the Complainant proposes, to prove his Complaint, against Accused. The Petitioner had not stated, any reason, for not listing the Proposed Witnesses, in the List of Witness, in his Complainant.

7. The Learned Counsel for the Petitioner, relied on the Judgement of the Hon'ble Madras High Court in Lakshmi Agency –vs- R.Meenakshi reported in 2017 (1) MWN

(Cr.) DCC 13 (Mad.) and argued that, if said witnesses are examined, the Respondent will have an Opportunity to Cross examine them, and as such, by allowing the above Petition, the Respondent will be in no way pre-judiced. In that case, after examining the Complainant, the Complainant came up with Petition under Section 244(2) Code of Criminal Procedure. However in the case of hand, the Complainant apart from examining himself as PW1, had examined 1. Mr.Kathirvel as PW2 and 1. Mr.Seetharam, Assistant Manager Indian Bank, Sivakasi Branch as PW3. When the above case is posted for Defence evidence, the Petitioner had filed Petition M.P. No. 26 of 2026, to recall himself and once again examined himself. Now the above Petition is filed in the case is in the stage of Defence Evidence. As such, the facts in the above case is distinguishable, from the facts of the Citation, relied on, by the Petitioner.

8. Further, in his Complaint, the Complainant had stated that the Accused wanted the Complainant to lend Rs.5,00,000/-(Rupees Five Lakhs Only) on 14.06.2021 and that the Complainant wanted that Accused to come to his house on 21.06.2021 and gave the said Rs.5,00,000/- (Rupees Five Lakhs Only) in Cash. The Petitioner not stated that, the said amount was withdrawn from any of his Bank Account and paid to the Respondent/Accused. Such being the case, the Petitioner having claimed that he lend money in Cash on the one hand and on the other hand, claiming that his Bank Account Statements, will be relevant to prove, his Financial Capacity is ironical and illogical. The omission of the Petitioner, to list the Proposed witnesses, in the List of Witnesses, even

after receipt of Ex. P6 Reply Notice dated , wherein the Respondent/Accused had Questioned the Petitioner's financial Capacity and now coming up, with the above Petition, when the case is in Defence Stage is nothing but After Thought and not entertainable. In view of the discussions made above, this Court is of the considered view that the Petitioner is not entitled for the Petition relief.

In the result the above Petition is Dismissed. No Cost.

Dictated to the Typist, and Typed by her directly, in Computer corrected and pronounced by me in Open Court this, the 2nd day of April 2026.

Judicial Magistrate, Fast Track Court
Srivilliputtur.

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

Judicial Magistrate, Fast Track Court
Srivilliputtur.