

**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.

Friday, on the 15th day of May 2026

M.P. No. 36 of 2026

in

S.T.C.No. 900 of 2022

Ramachandiran

...Petitioner/Accused

-VS-

Jeyakannan

...Respondent /Complainant

This Petition came up before this Court today on 15.04.2026 Advocate Mr. B.Muthukannan, for the Petitioner/Accused. Advocate M/s. T.Thiruppathiraj & S.Venkatesh, for the Respondent/Complainant. 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 Petitioner/Accused had filed the above Petition under Section 294 of Code of Criminal Procedure, seeking an order to receive the Petition Schedule Document.

2. The Petitioner/Accused had stated that the Respondent/Complainant had initiated the above Prosecution after two years, from filing of the document, which he seeks to receive now and that he had mentioned about the Case Cheque in Paragraph 8 of that Plaint. In order to show that the Respondent is not a Prudent Man and that he has

not filed the case bonafidely, the Petition Schedule Document has to be received. Hence the above Petition.

3. The Respondent had filed counter, stating that the above Petition filed under Section 294 of Code of Criminal Procedure is not maintainable in the Proceedings for Offence under Section 138 of Negotiable Instruments Act, 1881. The document sought to be received is a unnumbered Complaint, which do not have the Court Seal in each page of the Complaint. The genuineness of that document, could not be ascertained. The above Petition has been filed when the case has been posted for arguments. While answering question under Section 313 of Code of Criminal Procedure, the Petitioner/Accused had not stated anything about the said document. The same is a fraudulent document, created as an afterthought. Hence the Respondent had prayed for dismissal of the above Petition.

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

5. Though the Petitioner had filed the above Petition, under Section 294 of Code of Criminal Procedure, the prayer made in the above Petition is to receive the above Petition Schedule document. The Petitioner had not called upon the Respondent to admit or deny the genuineness of the said document. The Petitioner could not ask for, admitting or denying the genuineness of the said document, since the Respondent is not a party to the said document or that the Respondent had any knowledge about the said document. The Respondent had categorically denied the genuineness of the said

document. As such, the same cannot be admitted in evidence, without proving the signature in it. Moreover this Court in it's discretion, require such signature to be proved.

6. Since the Prosecution, before this Court is for Offence under Section 138 of Negotiable Instruments Act, 1881, necessarily the said document, has to be formally proved, before this Court. As contended by the Respondent, the case is in the stage of arguments. Merely receiving the said document, will in no way affect the Course of proceedings, in the above case. The above Petition has been filed on the analogy alike Civil Proceedings. Allowing the above Petition and thereby receiving the said document, shall not be construed as admission by the Respondent/Complainant. With the said observation, the above Petition is allowed.

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

Dictated to the Typist, and Typed by her directly, in Computer corrected and pronounced by me in Open Court this, the 15th day of May 2026.

Judicial Magistrate, Fast Track Court
Srivilliputtur.

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

Judicial Magistrate, Fast Track Court
Srivilliputtur.