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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

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THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 2733 of 2025

and

CRL MP No.23945 of 2025

R.Amutha
W/o.S.Ravi,
Saravana Silks,
No.536, T.H.Road,
Tondiarpet, Chennai-600 081.

..Petitioner(s)

Vs

M.Munichandran
S/o.Munusamy,
Door No.2, Srinivasa Nagar First Street,
Madhavaram,
Chennai-600 060.

..Respondent(s)

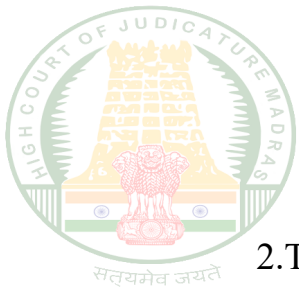
Prayer: To set aside the order in Crl.M.P.No.4751/2025 in Crl.A.No.909/2024 dated 08.09.2025 on the file of III Additional City Civil Court, Chennai and allow the Criminal Revision Petition.

For Petitioner(s): Mr.S.Mubarak Mohideen

For Respondent(s): Ms.V.Chanakya

ORDER

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.



2.The brief facts of the case are as follows:

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The respondent/complainant instituted a complaint against the petitioner under Section 138 of the Negotiable Instruments Act, 1881, in C.C.No.1319 of 2019 before the learned IV Fast Track Court, George Town, Chennai, which was subsequently transferred to the learned III Metropolitan Magistrate, George Town, Chennai. The allegation of the complainant was that the petitioner had borrowed a sum of Rs.13,55,000/- on 16.05.2019 and, towards the alleged legally enforceable debt, had issued a cheque in his favour. The cheque, when presented for collection, was dishonoured, following which the statutory notice was issued and the complaint came to be filed.

3.During the trial, the respondent/complainant was examined as P.W.1 and was cross-examined by the petitioner. The complainant is stated to have marked four documents, namely, the cheque, return memo, statutory notice and acknowledgement card. After completion of the trial, the learned Trial Court, by judgment dated 12.11.2024, found the petitioner guilty of the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced her to undergo two years of simple imprisonment and to pay compensation of Rs.13,55,000/- under Section 357(3) of the Code of Criminal Procedure to the respondent within a period of two months.

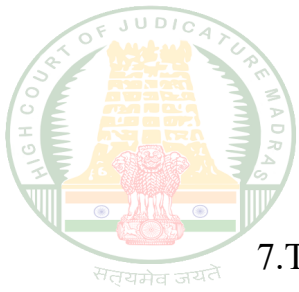


4. Aggrieved by the said judgment of conviction and sentence, the petitioner preferred Crl.A.No.909 of 2024 before the learned Appellate Court.

The appeal was initially taken on the file of the learned XIX Additional Sessions Judge, Chennai and was thereafter transferred to the learned III Additional Sessions Judge, Chennai. The petitioner had also deposited 10% of the cheque amount pursuant to the order passed by the learned Principal Sessions Judge, Chennai.

5. During the pendency of the appeal, the petitioner filed Crl.M.P.No.4751 of 2025 under Section 432 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking permission to adduce additional evidence by way of further cross-examination of the respondent/complainant before the Appellate Court or, in the alternative, to direct the learned III Metropolitan Magistrate, George Town, Chennai, to record such additional evidence.

6. The said application was contested by the respondent/complainant. The learned Appellate Court, after the matter was listed for arguments, found that the petitioner and her counsel were absent and that there was no representation on her behalf. The respondent was present and represented by counsel. Consequently, by order dated 08.09.2025, the learned III Additional Sessions Judge, Chennai, dismissed Crl.M.P.No.4751 of 2025 for default. Challenging the said order, the present Criminal Revision Case has been filed.

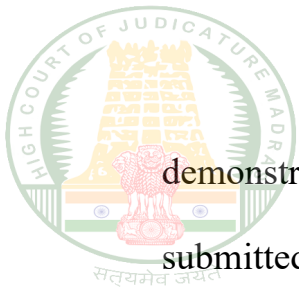


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7.The learned counsel for the petitioner submitted that the impugned order was passed without hearing the petitioner or her counsel on the merits of the application. It is submitted that the application under Section 432 of the BNSS was filed seeking an opportunity to adduce additional evidence and that the learned Appellate Court ought to have considered the application on merits instead of dismissing the same for non-prosecution. The learned counsel therefore submitted that, in the interest of justice, the impugned order may be set aside and the matter may be remanded to the learned Appellate Court for fresh consideration.

8.Per contra, the learned counsel appearing for the respondent/complainant submitted that the application has been filed only with an intention to drag on the proceedings before the learned Appellate Court. He submitted that the respondent/complainant had already been examined as P.W.1 and had been cross-examined by the petitioner before the learned Trial Court. The entire trial had already been concluded and the petitioner was thereafter convicted for the offence under Section 138 of the Negotiable Instruments Act.

9.The learned counsel for the respondent further submitted that only at the stage of the appeal, the petitioner has come forward with the present application seeking further cross-examination of the complainant, without



demonstrating any necessity or justification for reopening the evidence. It is submitted that the application was listed on several occasions, but the petitioner failed to appear before the learned Appellate Court. Since there was no representation on behalf of the petitioner, the learned Appellate Court, having no other alternative, dismissed the application for non-prosecution by order dated 08.09.2025.

10.The learned counsel therefore submitted that there is no illegality or infirmity in the impugned order and that the omission was entirely on the part of the petitioner. He further submitted that, in any event, the learned Appellate Court may be directed to dispose of Crl.A.No.909 of 2024 on merits within a time frame fixed by this Court.

11.This Court has carefully considered the submissions made by the learned counsel appearing for both parties and perused the materials available on record, including the application filed by the petitioner under Section 432 of the BNSS, the grounds raised therein, the impugned order dated 08.09.2025 and the judgment dated 12.11.2024 passed by the learned Trial Court.

12.It is not in dispute that the respondent/complainant had already been examined before the learned Trial Court and that the petitioner had cross-examined him during the course of the trial. The entire trial thereafter proceeded

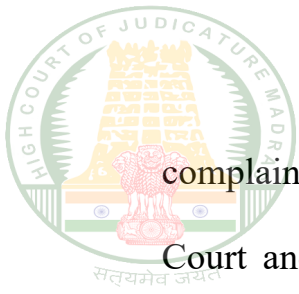


to its conclusion and culminated in the judgment of conviction dated 12.11.2024. Thus, the petitioner had already availed the opportunity of cross-examining the complainant before the learned Trial Court.

13.The petitioner, during the pendency of the appeal, has sought further cross-examination of the complainant by filing the application under Section 432 of the BNSS. However, from the materials available before this Court, this Court does not find any compelling or convincing reason warranting such further cross-examination at the appellate stage. The petitioner has not demonstrated before this Court as to what material aspect remained unaddressed during the original cross-examination or what circumstance necessitates reopening the evidence of the complainant.

14.Though the learned counsel for the petitioner has submitted that the impugned order was passed without hearing the petitioner on merits, the fact remains that the application was dismissed only on account of the absence of the petitioner and her counsel. The petitioner has not placed any satisfactory explanation before this Court for her failure to appear before the learned Appellate Court when the matter was taken up for hearing.

15.This Court is also of the view that the appellate proceedings cannot be permitted to be unnecessarily prolonged by reopening the evidence when the



complainant has already been examined and cross-examined before the Trial Court and the trial has culminated in a judgment of conviction. The present application, having been filed only at the appellate stage, appears to have the effect of further delaying the disposal of the criminal appeal.

16. Therefore, even though the impugned order came to be passed for non-prosecution, this Court finds no justification to interfere with the same, particularly when the petitioner has already had an opportunity to cross-examine the complainant and has failed to establish any sufficient ground for permitting further cross-examination.

17. This Court also takes note of the fact that the petitioner has already preferred Crl.A.No.909 of 2024 challenging the judgment of conviction and sentence passed by the learned Trial Court. The issues arising from the judgment of conviction are therefore available for consideration by the learned Appellate Court in the said appeal. The petitioner cannot be permitted to delay the appellate proceedings by repeatedly seeking to reopen the evidence without sufficient justification.

18. In the considered view of this Court, there is no illegality, infirmity or perversity in the impugned order dated 08.09.2025 warranting interference in exercise of the revisional jurisdiction of this Court. The revision petition,



therefore, lacks merit.

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19. However, considering that Crl.A.No.909 of 2024 is pending before the learned Appellate Court and the petitioner is entitled to have the appeal adjudicated on its merits, the learned III Additional Sessions Judge, Chennai, is directed to dispose of Crl.A.No.909 of 2024 expeditiously, preferably within a period of six months from the date of receipt of a copy of this order, without granting unnecessary adjournments to either party.

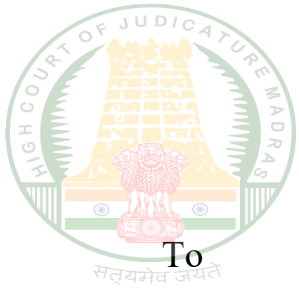
20. It is made clear that the observations made in this order are confined to the consideration of the present Criminal Revision Case and shall not prejudice the learned Appellate Court in independently considering Crl.A.No.909 of 2024 on its merits and in accordance with law.

21. Accordingly, this Criminal Revision Case is **dismissed**. Consequently, the connected miscellaneous petition is closed.

06-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

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The III Additional City Civil Court, Chennai.



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Case Citation: (2026) ibclaw.in 5090 HC

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SHAMIM AHMED, J.

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