

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.13303 of 2015
and
M.P.No.1 of 2015

V.Chinnasamy

.. Petitioner

Vs.

S.Dineshkumar

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order passed in Crl.M.P.No.1995 of 2015 in STC.No.159 of 2013 by order dated 11.05.2015 by the learned Fast Track Judge, Fast Track Court II, Magisterial Level), Erode and District.

For Petitioner :Mr.I.C.Vasudevan

For Respondent :Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This petition has been filed to set aside the order passed in Crl.M.P.No.1995 of 2015 in STC.No.159 of 2013 dated 11.05.2015 by the learned Fast Track Judge Magisterial Level), Erode and District.

2.Heard the learned counsel for the petitioner.

3. It is seen that the petitioner is an accused in S.T.C.No.159 of 2013 for the offence under Section 138 of Negotiable Instruments Act, filed against him by the respondent/complainant. During the course of cross examination, when the respondent/complainant was questioned specifically as to where he had got money to pay the accused, he seems to have stated that he sold the car and kept the money with him and that he handed over the loan to the petitioner/accused.

4. On the basis of the statement, during the cross examination, the petitioner/accused filed a petition under Section 91 of Cr.P.C., for a direction to the respondent/complainant to produce the details of the R.C.Book and relating to the sale of the car. That

petition was rightly dismissed by the trial Court by the order impugned and aggrieved by which, the petitioner has filed this petition. In the decision of the Hon'ble Supreme Court in State of Orissa .vs. Debendra Nath Padhi in 2004 AIR SCW 6813, held that an application under Section 91 Cr.P.C to make roving/fishing enquiry and a mini trial at the stage of framing charge is not permissible, which are relevant to the facts in issue and it will be in the interest of justice.

5. This Court is of the view that there is no infirmity in the order impugned passed by the court below. Hence, this Criminal Original petition is hereby dismissed. Consequently, connected Miscellaneous Petition is closed.

kkd

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Fast Track Court II,
(Magisterial Level)
Erode.

+ 1 cc to Mr.I.C.Vasudevan, Advocate SR 26446

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CrI.O.P.No.13303 of 2015
and
M.P.No.1 of 2015

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