

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2015

CORAM:

THE HONOURABLE MR. JUSTICE C.T. SELVAM

Crl.R.C.No.1118 of 2015

and

M.P.No.1 of 2015

R.Mathialagan

... Petitioner/Accused

Vs.

A.S.Ramasamy

... Respondent/Complainant

Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to set aside the order dated 31.03.2015 passed in C.M.P.No.2189 of 2014 in C.C.No.117 of 2013 on the file of learned Judicial Magistrate III, Salem.

For Petitioner : Mr.R.Syed Mustafa

For Respondent : Mr.R.Thirugnanam

O R D E R

This revision arises against the order of learned Judicial Magistrate III, Salem, passed in C.M.P.No.2189 of 2014 in C.C.No.117 of 2013 , on 31.03.2015.

2. The revision petitioner faced trial for offence under Section 138 of Negotiable Instruments Act in C.C.No.117 of 2013 on the file of learned Judicial Magistrate III, Salem.

3. Heard learned counsel for petitioner and learned counsel for respondent.

4. The grievance of the petitioner is that his objection to the marking of Exs.P1 to P6 by the respondent/complainant had not been recorded. We note that in passing the order under challenge, the Court below has dealt with matters relating to

the merits of the prosecution case and the same ought not to have been done by the Court below. At the conclusion of proceedings, the Court below might come to the same conclusion and for the very same reasons. We are only saying that such considerations should not have been entered upon at the stage of application under Section 294 Cr.P.C.

This Court would dispose of this revision with the observation that the objections of the petitioner to the marking of Exs.P1 to P6 may be noted subject to relevancy and proof. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vsm

To

- 1.The Judicial Magistrate III,
Salem.
- 2.-do- Through The Chief Judicial Magistrate,
Salem.

+1cc to Mr.R.Thirugnanam, Advocate, S.R.No.64505
+1cc to Mr.R.Syed Mustafa, Advocate, S.R.No.64666

Cr1.R.C.No.1118 of 2015
and
M.P.No.1 of 2015

RV(CO)
CA(18/12/2015)

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