

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.6.2015

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Cr1.R.C.No.1007 of 2009

Yeshpal

...Petitioner

versus

R.Thiagarajan

...Respondent

Revision filed under section 397 and 401 of Cr.P.C. against the order dated 10.9.2009 in C.M.P.No.793/2009 in C.C.No.31 of 2008 on the file of the Judicial Magistrate, No.VIII Coimbatore.

For petitioner : Mr.C.Deivasigamani

O R D E R

This criminal revision is filed against the dismissal of the application filed by the petitioner to direct the respondent to produce documents.

2. The learned counsel for the petitioner would contend that in his evidence, P.W.1 has admitted entry of the cash transaction in the account book. But when the petitioner filed an application to direct the respondent to produce such records, the respondent has stated that the account books were destroyed. The lower Court dismissed the petition filed by the petitioner on the ground that since records has been destroyed there is no need to direct the respondent to produce the same. Aggrieved over the said order, the petitioner has come up with this revision case.

3. Though notice has been served on the respondent, none appears.

4. On a careful consideration of the entire evidence as well as the final order passed by the Court below, this Court finds that the main dispute between the parties is whether payment was made from the personal account of the complainant or from the company's account. Be that as it may, this Court does not want to express any opinion on the issue, suffice to state that the lower Court has rightly dismissed the application on the ground that production of account book would not be of much help in this case, especially when it is stated that the accounts are demerged.

5. The criminal revision is dismissed.

Sd/-
Assistant Registrar(CO)

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Sub Assistant Registrar

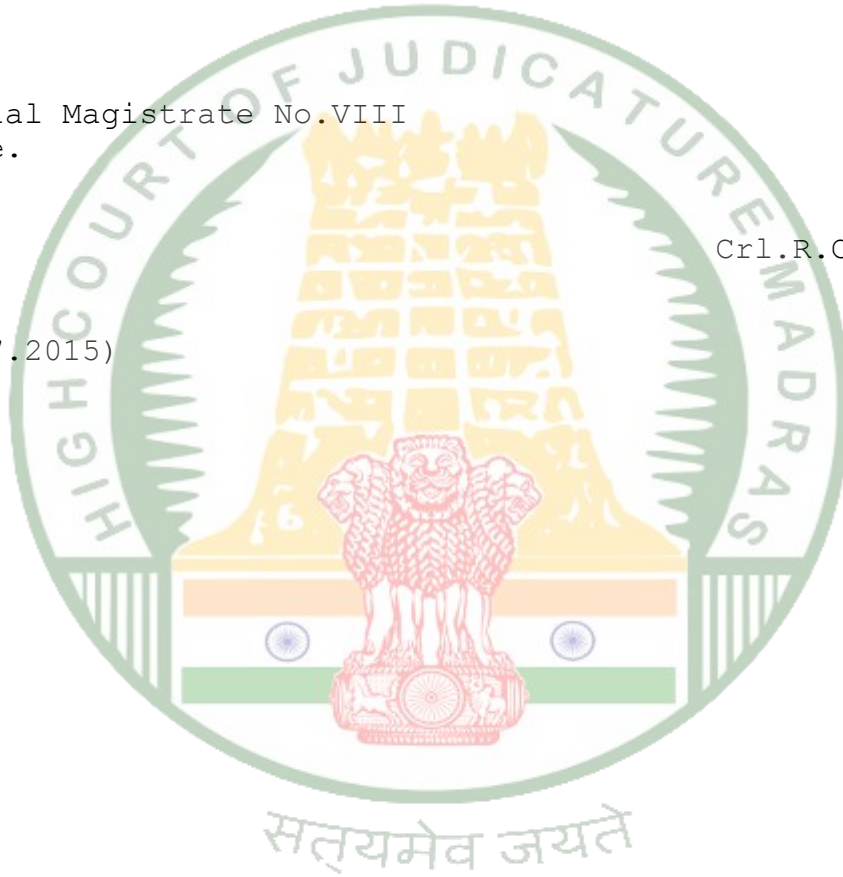
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To

The Judicial Magistrate No.VIII
Coimbatore.

Cr1.R.C.No.1007 of 2009

KGK (CO)
PSI (03.07.2015)



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