

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2015

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

CrI.OP. No.22566 of 2015

S.Sureshkumar

.. Petitioner/Accused

vs

V.K.Periyasamy

.. Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 26.05.2015 passed in C.M.P.No.279 of 2015 in STC No.120 of 2014 on the file of the learned Judicial Magistrate, Fast Track Court, Poonamallee.

For Petitioner :Mr.R.Paramasivam

ORDER

The petitioner has come forward with this petition seeking to set aside the order dated 26.05.2015 passed in C.M.P.No.279 of 2015 in STC No.120 of 2014 by the learned Judicial Magistrate, Fast Track (Magistrate Level) Court, Poonamallee in and by which, the Court below dismissed the petition filed under Section 91 of the Criminal Procedure Code.

2. Learned counsel appearing for the petitioner would submit that the Court below without giving an opportunity to the petitioner to disprove his case by seeking to produce the statement of accounts, has simply dismissed the petition filed by him. Accordingly, he would pray for setting aside the same.

3. Heard the learned counsel for the petitioner and perused the records.

4. On a careful perusal of the order passed by the Court below it is seen that, it has correctly pointed out that when the petitioner has the liberty to examine the Bank Manager himself as defence witness, if he wants to prove his case, there is no necessity for him to seek for production of statement of accounts of the complainant. By holding so, dismissed the petition filed under Section 91 of the Cr.P.C., warranting no interference by this Court in this Criminal Original Petition.

5. Accordingly, this Criminal Original Petition is dismissed.
Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

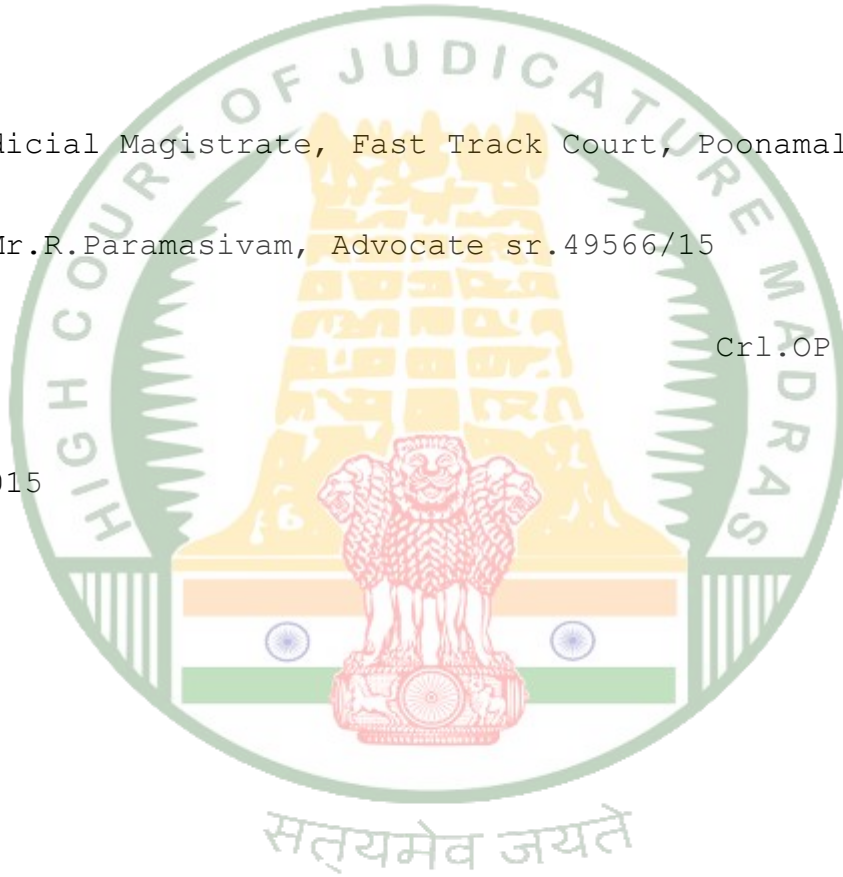
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To

1. The Judicial Magistrate, Fast Track Court, Poonamallee.

+1 cc to Mr.R.Paramasivam, Advocate sr.49566/15

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