

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2015

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.24807 of 2015

M.M.Sundaram

... Petitioner

..VS..

Inspector of Police,
Central Crime Branch,
Bank Fraud Team XIV,
Egmore, Chennai 600 008.

...Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., seeking to call for the records in C.C.No.176 of 2015 on the file of the Judicial Magistrate Court-I, Poonamalle and quash the same.

For Petitioner : Mr.I.Paul Noble Devakumar

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This petition is filed seeking to call for the records in C.C.No.176 of 2015 on the file of the Judicial Magistrate No.I, Poonamalle and quash the same.

2. According to the petitioner, the allegation against him is that he along with one Tirupathi Raja (A1) approached Karur Vysya Bank (KVB) on 23.03.2003 and produced documents of Toyota Qualis car bearing Registration No.TN 07 AD 1888 belonging to him. He along with A1 produced a copy of RC Book along with the estimate given by one J.M. Reddy, car dealer for the tune of Rs.6.50 lakhs and received loan for Rs.4.50 lakhs and the monthly instalment was fixed at Rs.11,516/-. Since the said Tirupathi Raja failed to repay the monthly instalment properly, a complaint was preferred by the Manager of the Bank against the petitioner (A2) herein along with A1 for the alleged offence under Sections 420, 465, 467, 468, 471 r/w 34 IPC alleging that by producing the fake documents, the petitioner had obtained loan amount.

3. Heard both sides.

4. Learned counsel for the petitioner would submit that the petitioner has not committed any offence in the alleged transaction.

5. When the matter is taken up today, learned Additional Public Prosecutor submitted that trial has commenced, two witnesses were examined and the matter is in part-heard stage.

6. Since the matter is in part-heard stage, I am not inclined to entertain this petition. Therefore, without going into the averments made in this petition, this Criminal Original Petition is dismissed. At this juncture, the petitioner sought for a direction to the trial court to dispense with the appearance during the course of trial. But I am not inclined to give such a direction. However, the petitioner is at liberty to file a petition before the trial court under Section 317 Cr.P.C., to dispense with his appearance. Consequently, connected Miscellaneous Petitions are closed.

aeb

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To :

1. The Judicial Magistrate I,
Poonamallee.
2. The Chief Judicial Magistrate,
Thiruvallur.
3. Inspector of Police, सत्यमेव जयते
Central Crime Branch,
Bank Fraud Team XIV,
Egmore, Chennai 600 008.
4. The Public Prosecutor
High Court of Madras,
Chennai.

gj(co)
prk10/12

CrI.O.P.No.24807 of 2015