

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WEDNESDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIFTEEN

PRESENT
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL REVISION CASE No.477 of 2013

Between:

Sree Venkata Lakshmi Transport,
Rep.by its Proprietor M.V.Raghava Rao

..... PETITIONER

AND

Lucky Enterprises,
Rep.by its Proprietor Manderapu Venkat
Ramayya and 2 others

.....RESPONDENTS

The Court made the following:

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL REVISION CASE No.477 of 2013

ORDER:

This Criminal Revision Case is filed against the order dated 29.01.2013 in CrI.MP.No.621 of 2012 in C.C.No.77 of 2006 on the file of the III Additional Chief Metropolitan Magistrate, Visakhapatnam, by and under which, the petition filed by the petitioner under Section 91 Cr.P.C to call for original documents said to have been filed by the petitioner himself in O.S.No.185/2005 on the file of the II Additional District Judge,

Visakhapatnam, was dismissed.

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor, representing the State.

The facts in brief are that in between the petitioner and respondents 1 and 2 there were certain transactions, in which, respondents 1 and 2 are said to have fallen due a sum of Rs.42,20,000/- to the petitioner, for which, cheques in question were issued. They being dishonoured, the complaint under section 138 of Negotiable Instruments Act came to be filed. Parallel to this complaint, the petitioner is also said to have filed a suit being O.S.No.185/2005 against the respondents 1 and 2 on the file of II Additional District Judge, Visakhapatnam for recovery of money. In the said suit, the original agreement dated 30.04.2004 and other original documents are filed. It is contended that since the signature on the cheques is being denied by the respondents 1 and 2, it is necessary that the original agreement dated 30.04.2004 and other documents said to have been filed in O.S.No.185/2005 be called for, for purpose of comparison.

The learned trial Court considered and rejected the request of the petitioner, while observing that there was no necessity to send for original documents to substantiate his case and he can as well obtain certified copies from the Civil Court and file it before the Court below, which can serve the purpose.

Having perused the material on record and having heard the learned counsel on either side, I see no infirmity or illegality in the impugned order warranting interference by this Court. It is always open to the petitioner to take back the original documents or certified copies of the original documents filed in the suit and place before the trial Court to meet his requirement.

There are no merits in the present criminal revision case and the same is accordingly dismissed.

Pending miscellaneous applications, if any, shall stand closed in consequence.

Date: 24.06.2015
Dsr

M.S.K.JAISWAL,J