

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.12961 of 2016
and CRL.M.P.No.6702 of 2016

P.Karpagam
Petitioner/Petitioner/Accused.

..

Vs

N.Mahendran

..

Respondent/Respondent/Complainant.

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in Crl.M.P.No.2475 of 2016 in S.T.C.No.722 of 2014 on the file of the Judicial Magistrate, FTC-I, Erode dated 26.04.2016 and set aside the same.

For Petitioner : Mr.S.Kamadevan
For Respondent : Mr.C.Emalias Addl.Public
Prosecutor.

O R D E R

This petition has been filed to set aside the order dated 26.04.2016 in Crl.M.P.No.2475 of 2016 in S.T.C.No.722 of 2014 passed by the learned Judicial Magistrate, FTC-I, Erode.

2. It is seen that this petitioner is facing prosecution for an offence under Section 138 of Negotiable Instruments Act in S.T.C.No.722 of 2014 on the complaint lodged by one Mahendran. While so, the petitioner filed an application in Crl.M.P.No.2475 of 2016 under Section 91 Cr.P.C. to call for the mobile phone call details of Mahendran's mobile No.9942226289 from 26.11.2014 onwards, which was dismissed by the trial Court on 26.04.2016. Challenging which, the petitioner is before this Court.

3. It is the case of the petitioner that the cheque in question was issued to one Sivakumar-D.W.1., who is a good friend of Mahendran and in order to prove their friendship, the call details of Mahendran is required.

4. In the considered opinion of this Court, call details of a person cannot be summoned, just like that at the mere asking, as that would invade the privacy of a person. In the facts and circumstances of this case, especially in a prosecution under Section 138 of Negotiable Instruments Act, call details of the complainant will in no way advance the case of the accused. Hence, this petition is devoid of merits and accordingly dismissed. Consequently, connected Miscellaneous Petition is closed.

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s/d-

Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

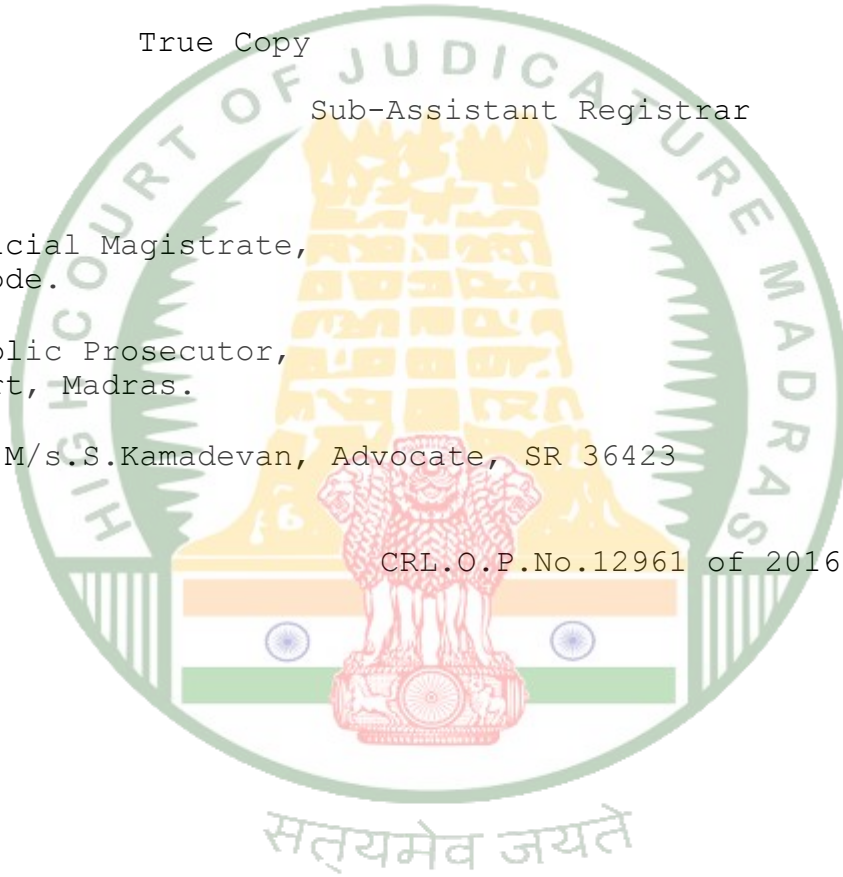
1.The Judicial Magistrate,
FTC-I, Erode.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.S.Kamadevan, Advocate, SR 36423

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