

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.215 of 2016

and

Crl.M.P.No.1514 of 2016

R.Arumugam

.. Petitioner

Vs.

M/s.Sri Sujies Benefit Fund Ltd.,
rep. by its Managing Director
S.Boopathy,
S.B.Towers,
No.262-A, Pollachi Road,
Sundarapuram,
Coimbatore-641 024.

.. Respondent

Criminal Revision filed under Sections 397 and 401 Cr.P.C. against the order of learned IV Additional District and Sessions Judge, Coimbatore, passed in C.M.P.No.36 of 2014 in C.A.No.54 of 2012 on 06.10.2015.

For Petitioner : Mr.V.V.Sairam
For Respondent : Mr.R.Tholgappian

O R D E R

Petitioner who was convicted for offence u/s. 138 of the Negotiable Instruments Act, 1881, in case tried in C.C.No.444 of 2011 on the file of learned Judicial Magistrate VII, Coimbatore. Challenging the same petitioner preferred appeal in C.A.No. 54 of 2012 on the file of IV Additional District and Sessions Judge, Coimbatore. He moved a petition u/s. 391 Cr.P.C in C.M.P.No.36 of 2014 in C.A.No.54 of 2012, towards marking additional document viz., a certified copy of document relating to immovable property attached by the Special Court TNPID, Coimbatore.

2. Learned counsel submits that petitioner and also others, came to issue cheques in favour of the respondent/complainant not towards any liability of their own but towards securing the interests of the respondent/complainant in respect of a loan transaction between the petitioner's brother-in-law and the complainant.

3. Learned counsel for petitioner submits that towards substantiating such contention, petitioner moved petition under Section 291 of Cr.P.C., towards producing additional evidence. He further submits that Court below had erred in dismissing the petition as in the very counter in C.M.P.No.36 of 2014, at para 8, the respondent/complainant informed as follows:

"It is true that this respondent and the other directors of the firm initiated proceedings against the said P.Selvaraj and attached his property and the same is now brought to sale which is amply and clinchingly evident by the attachment warrant issued by the Special Court under TNPID Act, Coimbatore in O.A.No.14 of 2009 and C.C.No.53 of 2008 for a sum of Rs.94,62,092/-."

4. Heard learned counsel for respondent on the above submission.

5. This Court is of the view that it is not necessary to interfere with the order of the Court below. However, Criminal Revision shall stand disposed of with the observation that the petitioner may place reliance on the statement of the respondent in the counter in support of his contention informed in paragraph No.2 above. Of course, a decision thereon would have to be taken by the Court below on merits. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

The IV Additional District and Sessions Court,
Coimbatore.

+1 cc to Mr.R.Tholgappian, advocate, sr.64578

+1 cc to Mr.V.V.sairam, advocate, sr.64732.

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and
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