

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4975 OF 2016

ORDER:

This petition is filed by the petitioner-accused No.1 under Section 482 Cr.P.C. seeking to quash the order dated 18.3.2016 passed in CrI.M.P.No.568 of 2016 in C.C.No.147 of 2009 by the Judicial Magistrate of First Class, Special Mobile Court, Chittoor.

Heard and perused the material available on record.

The petitioner is alleged to have committed the offence punishable under Sections 406 and 420 IPC. The complainant filed the above CrI.M.P. seeking to receive the documents i.e., two receipts for the amounts alleged to be received by the accused towards the employment Visa of the complainant. The trial Court allowed the above CrI.M.P. Aggrieved by the same, the petitioner-A1 filed this petition.

In the order under challenge, the trial Court observed as follows:

“At present the case is posted for trial. The petitioner/complainant filed the documents i.e., receipt dated 5.7.2005 alleged to have been issued by A1 to L.W.1-Renuka for Rs.1,90,000/- at Chittoor; receipt dated 15.7.2005 alleged to have been issued by A1 to L.W.17-T. Amarnath for Rs.50,000/- at Chittoor. If the said documents are marked, the accused will have chances to cross-examine on that aspect. In the facts and circumstances of the case and keeping in view the legal position in the judgment of the Madras High Court in CrI.R.C.No.1423 of 2006 and CrI.M.P.No.1 of 2006, dated 14.12.2006, in between S. Shankar Vs. The State rep., by the Sub-Inspector of Police, W-2 Police Station, Chennai, the documents filed by the complainant can be received and their relevancy will be decided at the time of conclusion of the trial.”

Considering the facts and circumstances of the case and the observations of the trial Court, this Court is of the view that no prejudice would be caused to the petitioner by receipt of the documents in question by the trial Court. The order under challenge

does not warrant any interference by this Court. However, the petitioner is always at liberty to challenge the admissibility, relevancy and veracity of the documents in question and he can cross-examine the witnesses concerned for not filing the above documents at the earlier stage before the trial Court.

Accordingly, the Criminal Petition is dismissed. Consequently, the miscellaneous petitions pending in this petition, if any, shall stand dismissed.

JUSTICE RAJA ELANGO

Date : 12.4.2016

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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 12.4.2016

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