

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

CrI.O.P.No.346 of 2017

Kunal Fabrics, rep. By its
Proprietor Mahaveer Chand ... Petitioner/Complainant

Vs

M/s.Sri Sudarshan Apparels,
rep. By its Proprietor
Nithyanandan ... Respondent/Accused

Criminal Original Petition filed under Section 482
Cr.P.C. to direct the Fast Track Metropolitan Magistrate Court
No.I, Allikulam at Egmore, Chennai, to permit the petitioner to
mark certified copies of documents as exhibits in C.C.No.7087 of
2014.

For Petitioner : Mr.A.Thirumaran

ORDER

The present criminal original petition has been filed
seeking a direction to the Fast Track Metropolitan Magistrate
Court No.I, Allikulam at Egmore, Chennai, to permit the
petitioner to mark certified copies of documents as exhibits in
C.C.No.7087 of 2014.

2. It is the case of the petitioner company that during
the course of their business, the petitioner company supplied
materials to the respondent company, for which, a sum of
Rs.4,42,964/- is due and payable by the respondent. In partial
discharge and partial settlement of the said amount, the
respondent issued eight cheques in favour of the petitioner.
When the petitioner presented the said cheques before their
Bankers, all the cheques were returned on the ground of
insufficiency of funds. Hence, the petitioner issued a notice
under Section 138(b) of the Negotiable Instruments Act. Even
after receipt of the said notice, the respondent has not paid
the said amount. Hence, the petitioner lodged a private
complaint before the Fast Track Metropolitan Magistrate Court

No.I, Allikulam at Egmore, Chennai as against the respondent and a case was registered in C.C.No.7087 of 2014. Thereafter, the petitioner has also filed a suit in O.S.No.3549 of 2014 before the XVII Assistant City Civil Court, Chennai for recovery of the said amount. Now, the criminal case in C.C.No.7087 of 2014 is ripe for trial and the petitioner sought to mark the certified copies of the documents, which was turned down by the learned Magistrate. Hence, the present petition.

3. Learned counsel appearing for the petitioner submitted that all the original invoices, cheques and cheque return memos relating to the criminal proceedings were marked as exhibits in the suit in O.S.No.3549 of 2014. Hence, the petitioner sought to mark the certified copies of the said documents in C.C.No.7087 of 2014. However, the learned Magistrate is not permitting the petitioner to mark the certified copies of the documents. The petitioner has also filed a petition in M.P.No.4996 of 2016 in O.S.No.3549 of 2014 before the learned XVII Assistant Judge, City Civil Court, Chennai, seeking to return the original documents marked as exhibits in O.S.No.3549 of 2014 so as to enable them to mark the same in C.C.No.7087 of 2014. However, the said plea was negatived by the learned XVII Assistant Judge, City Civil Court, Chennai. Hence, left with no other alternative, the petitioner has come up with the present petition seeking a direction to the Fast Track Metropolitan Magistrate Court No.I, Allikulam at Egmore, Chennai, to permit the petitioner to mark the certified copies of documents as exhibits in C.C.No.7087 of 2014.

4. Considering the facts and circumstances of the case and considering the fact that all the original invoices, cheques and cheque return memos relating to the criminal proceedings in C.C.No.7087 of 2014 were marked as exhibits in the suit in O.S.No.3549 of 2014 pending on the file of the learned XVII Assistant Judge, City Civil Court, Chennai, this Court directs the Fast Track Metropolitan Magistrate Court No.I, Allikulam at Egmore, Chennai, to permit the petitioner to mark the certified copies of documents, the originals of which were already marked as exhibits in O.S.No.3549 of 2014, as exhibits in C.C.No.7087 of 2014. The Criminal Original Petition is ordered accordingly.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

sbi

To

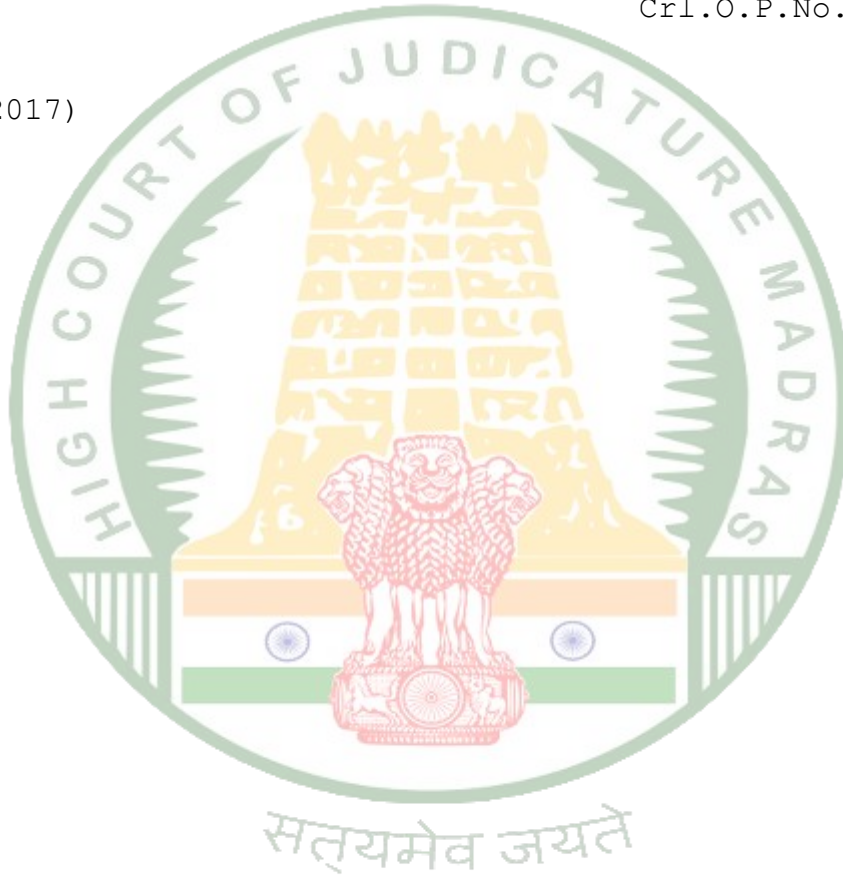
1. The Fast Track Metropolitan
Magistrate Court No.I,
Allikulam at Egmore, Chennai.

2.The XVII Assistant Judge,
City Civil Court, Chennai

+lcc to Mr.Thirumaran, Advocate sr.2155

Cr1.O.P.No.346 of 2017

nm1(co)
ss(30/01/2017)



WEB COPY