

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

CRL. O.P.No. 7795 of 2017
and
CRL. M.P.No. 5624 of 2017

Mr. Magesh

.. Petitioner

Versus

Murali

.. Respondent

PRAYER: The Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records and set aside the order passed by the learned Metropolitan Magistrate Fast Track Court No.IV, George Town, Chennai made in Crl.M.P.No. 1530/2017 in C.C.No. 207/2016 dated 08.03.2017.

For Petitioner : Mr. T.R. Ravi

For Respondent : No appearance

ORDER

The Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records and set aside the order passed by the learned Metropolitan Magistrate (Fast Track Court No.IV), George Town, Chennai made in Crl.M.P.No. 1530/2017 in C.C.No. 207/2016 dated 08.03.2017.

2. The petitioner is facing trial for the alleged offences u/s 138 R/w 142 of Negotiable Instruments Act before the Metropolitan Magistrate (Fast Track Court No.IV), George Town, Chennai - 600 001. Petitioner filed a petition under Sec.91 of Criminal Procedure Code to direct the complainant to produce certain documents. The trial Court has dismissed the petition filed by the petitioner against which the present revision petition has been filed.

3. Heard the learned counsel for the petitioner.

4. In dismissing Crl. M.P.No.1530 of 2017, Court below has taken into consideration :

1. Proof affidavit of respondent / complainant was filed in 2012 and his cross examination had not been effected.
2. On earlier petition under Section 45 Evidence Act had been dismissed.
3. Respondents case was one of a cash transaction not reflected in records since petitioner had promised return in three months.
4. Petitioners earlier defence was of cheque having been misused for foisting a false case.

4. This Court finds no error in the impugned order passed by the trial Court. However, Court below will consider contentions of petitioner on merits taking into consideration the admitted stand of respondent that he will be unable to prove the transaction through records.

5. The Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

vsi2

To

Metropolitan Magistrate Fast Track Court No.IV,
George Town, Chennai

सत्यमेव जयते

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ss (26/7/2017)

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