

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Cr1.O.P.No.25361 of 2016

Hanumanda Rao

... Petitioner

Vs

1. The Inspector of Police (Crime)
C-3 Seven Wells Ps
Seven wells, Chennai.

2. The Deputy Commissioner of Police
Flower Bazar Police
Flower Bazar, Chennai.

3. The Commissioner of Police
Greater Chennai
Vepery, Chennai-7.

... Respondents

Petition filed under Section 482 of the Criminal Procedure Code, to direct the first respondent police to produce the documents viz., the original cheques given by the accused in favour of this petitioner dated 15.09.2014, 15.10.2014, 15.11.2014 of SBI, Broadway Branch, Chennai and the Bank return memos dated 22.09.2014, 17.10.2014, 24.10.2014, 19.11.2014, before the learned VIII Metropolitan Magistrate, George Town Courts, Chennai in C.C.103/2016.

For Petitioner : Mrs.N.Malathi

For Respondents: Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This petition has been filed for directing the first respondent police to produce the documents viz., the original cheques given by the accused in favour of this petitioner dated 15.09.2014, 15.10.2014, 15.11.2014 of SBI, Broadway Branch, Chennai and the Bank return memos dated 22.09.2014, 17.10.2014, 24.10.2014, 19.11.2014, before the learned VIII Metropolitan Magistrate, George Town Court, Chennai in C.C.103/2016.

2. It is the case of the petitioner that he had advanced loan amount of Rs.6 lakhs to one N.Natarajan and his mother Jeyanthi during the month of April 2014 for their family maintenance. The said Natarajan had given three cheques in favour of the petitioner to the tune of Rs.2 lakhs each. When the petitioner deposited the said cheques for encashment, they were returned dishonoured with an endorsement 'insufficient funds'. Therefore, the petitioner had lodged a private complaint before the learned VIII Metropolitan Magistrate, George Town Court, Chennai and the same was taken on file as C.C.No.103 of 2016, which is pending trial.

3. Now the grievance of the petitioner is that the first respondent police has not filed the documents before the trial Court, which were received from the petitioner, during the course of investigation. Hence, the petitioner has filed a petition under Section 91 of Cr.P.C. for summoning the documents received by the respondent police during investigation, for the purpose of marking the same during trial. However, the trial Court returned the said petition on 19.10.2016 on the ground of maintainability stating that the said petition has to be filed only by the police. Therefore, the petitioner, without any other option, has approached this Court by way of this petition.

4. Today, when the matter was taken up for consideration, the learned Additional Public Prosecutor handed over the original cheques as demanded by the petitioner to the learned counsel for the petitioner, who in turn, filed a memo indicating the cheque numbers, dates, amount as well as the name of the bank, in which, the same have been drawn, which are extracted below:

Cheque No.	Date	Amount
827810	15.09.2014	Rs.2,00,000/-
827811	15.10.2014	Rs,2,00,000/-
827812	15.11.2014	Rs.2,00,000/-

5. In view of the above, recording the memo dated 06.04.2017 filed by the petitioner, this Criminal Original Petition is disposed of with direction to the learned VIII Metropolitan Magistrate, George Town Court, Chennai, to dispose of the case in C.C.No.103 of 2016, on merits and as per law, as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The VIII Metropolitan Magistrate,
George Town Courts,
Chennai.
2. The Inspector of Police (Crime,)
C-3 Seven Wells Ps,
Seven wells, Chennai.
3. The Deputy Commissioner of Police,
Flower Bazar Police,
Flower Bazar, Chennai.
4. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-7.
5. The Public Prosecutor,
Madras High Court,
Chennai-600 104.

+1cc to M/S.N.Malathi, Advocate Sr.20979

Cr1.O.P.No.25361 of 2016

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srg 28/04/2017