

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.27638 of 2016

and Crl.M.P.No.14125 of 2016

S.Satheesh Petitioner/Petitioner/
Accused

Vs

P.Arunachalam Respondent/Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the order dated 18.11.2016 passed in C.M.P.No.3041 of 2016 in C.C.No.452 of 2013 on the file of the Judicial Magistrate Court, Kangeyam and set aside the same.

For Petitioner : Mr.K.Govi Ganesan

ORDER

The present criminal original petition has been filed to call for the records relating to the order dated 18.11.2016 passed in C.M.P.No.3041 of 2016 in C.C.No.452 of 2013 on the file of the Judicial Magistrate Court, Kangeyam and set aside the same.

2. It is the case of the petitioner that on the basis of the complaint filed by the respondent herein under Section 200 Cr.P.C. before the learned Judicial Magistrate, Kangeyam, a case was registered in C.C.No.452 of 2013 as against the petitioner under Section 138 of the Negotiable Instruments Act. During trial, the petitioner wanted to examine the Assistant Commissioner, Commercial Tax Department, Kangeyam, to prove certain facts. Hence, he filed a petition in C.M.P.No.3041 of

2016 before the learned Magistrate to re-open the case for examining the Assistant Commissioner, Commercial Tax Department, Kangeyam. However, the learned Magistrate, without considering his case, dismissed the petition by order dated 18.11.2016 on the ground that the petitioner has not assigned any reasons to examine the Assistant Commissioner, Commercial Tax Department, Kangeyam and he filed the petition only to drag on the proceedings. Hence, he has come forward with the present petition.

3. Learned counsel appearing for the petitioner submitted that the document sought to be marked by the petitioner through the Assistant Commissioner, Commercial Tax Department, Kangeyam, is a vital document, which would disclose the status of the partnership firm. Further, the learned counsel submitted that the petitioner is inclined to deposit some amount to show his bone fide.

4. In view of the said submission made by the learned counsel appearing for the petitioner, in the interest of justice, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees fifty thousand only) to the credit of C.C.No.52 of 2013 before the learned Judicial Magistrate, Kangeyam, within a period of two weeks from the date of receipt of a copy of this order and on such deposit within the stipulated time, the petitioner is permitted to mark the document through the Assistant Commissioner, Commercial Tax Department, Kangeyam, to show the status of the partnership firm, which may be required for consideration. The date for the witness to appear shall be fixed by the learned Judicial Magistrate, Kangeyam. The criminal original petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbi

To

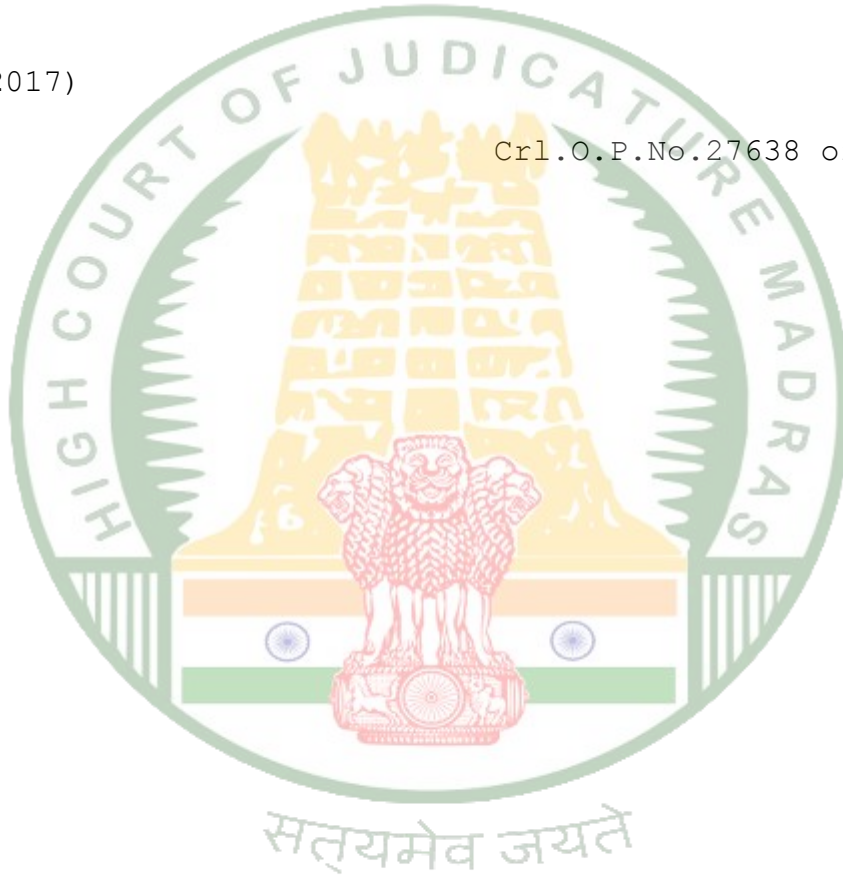
1.The Judicial Magistrate,
Kangeyam

2 The Assistant Commissioner, Commerical Tax Department
Kangeyam

+lcc to Mr.K. Govi Gnesan, Advocate, S.R.No.489

Pk(CO)
md(23/01/2017)

Cr1.O.P.No.27638 of 2016



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