

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No.4803 of 2018

K.R.Sriram

... Petitioner

Versus

Tamilnadu Newsprint and Papers Ltd.,
Rep.by its Deputy Manager (Marketing),
R.Ramakrishna,
No.67, Mount Road,
Guindy, Chennai - 32.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in C.C.No.213 of 2013 on the file of the FTC-II Metropolitan Magistrate Court, Egmore, at Allikulam, Chennai-3 and direct the said trial Court to allow the petitioner/accused to mark two documents 1.Registered sale agreement dated 28.09.2012, 2. List of Delivery Challan dated 01.10.2010 & 03.10.2010 in the above said calendar case.

For Petitioner : Mr.A.Edwin Prabakar

For Respondent : Mr.Shivakumar
for M/S.Shivakumar and Suresh

O R D E R

The grievance of the petitioner is that the Trial Court had expressed its opinion that the documents, viz., Sale Agreement dated 28.09.2012 and the List of Delivery Challans sent on 01.10.2010 and 03.10.2010 were considered to be not appropriate, as these marked documents are not relevant to the proceedings.

2. Heard Mr.A.Edwin Prabakar, learned counsel appearing for petitioner and Mr.Shivakumar for M/S.Shivakumar and Suresh, learned counsel appearing for the respondent.

3. The learned counsel for the petitioner submitted that, he had been procuring raw materials from M/s Jeyam & Co., who is the dealer. The submissions made by the learned counsel for the petitioner that by way of part of satisfaction of the

liabilities, he had entered into the sale agreement with the dealer and as such, these documents are to be marked. Likewise, the return of some raw materials as claimed by him is also relevant and hence, he intends to mark the delivery challans as documents.

4. It is needless to point out that since the impugned cheque is in dispute, it would be appropriate to give an opportunity to the petitioner to put forward his case by way of permitting to mark certain documents, which according to him are part satisfaction of liability.

5. In this connection, the petitioner is granted an opportunity to make out a fresh application to recall and mark the documents viz., Registered Sale Deed dated 28.09.2012 and Delivery Challans sent on 01.10.2010 and 03.10.2010.

6. On receipt of such a petition seeking marking of the documents, the learned Judge, Fast Track Court No.II, Metropolitan Magistrate Court, Egmore, Chennai shall permit the petitioner to mark these two documents, which exercise shall be completed within a period of one week from the date of receipt of a copy of this order. While such application is taken on file, the respondent herein/complainant shall also be given an opportunity for cross examination. It is needles to state that, this Court has not expressed any of its views on the merits of the case and the observations made herein are only for disposing this criminal original petition.

7. With the above directions, this Criminal Original Petition is ordered accordingly.

Sd/-
Assistant Registrar(CS II)

//True copy//

Sub Assistant Registrar

klt
TO

1.The Fast Track Court-i,
Metropolitan Magistrate Court,
Egmore, Chennai-3.

+1cc to Mr.A.Edwin Prabakar, Advocate SR.No.16802
+2cc to Mr.Shiva Kumar & Suresh, Advocate SR.No.16911

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GN(08/03/2018)