

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 05.09.2018

CORAM
THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.21525 of 2018
and Crl.M.P.No.11773 of 2018

Dr. Kanchana Kamalanathan

...Petitioner

.Vs.

Devi

...Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order dated 29.08.2018 passed in Crl.M.P.No.2976 of 2018 in S.T.C.No.28 of 2016 on the file of the Learned Judicial Magistrate No.1, Krishnagiri.

For Petitioner : Mr.K.Thiruvengadam

O R D E R

The petitioner is an accused in S.T.C.No.28 of 2016, that is pending on the file of the learned Judicial Magistrate No.1, Krishnagiri, for offences under Section 138 of Negotiable Instruments Act. After the prosecution evidence was completed, the petitioner was examined under Section 313 of Cr.P.C. Thereafter, the petitioner filed a petition in Crl.M.P.No.2976 of 2018 in S.T.C.No.28 of 2016, under Section 243(2) of Cr.P.C., for a direction to the complainant to produce her bank account details for the period from 2013 to 2014 of Indian Overseas Bank, Thimmapuram Branch. The said petition has been dismissed by the Trial Court on 29.08.2018, challenging which, the petitioner/accused is before this Court.

2. Heard, Mr.K.Thiruvengadam, learned counsel for the petitioner/accused, who submitted that the complainant was only a house wife and that she had no means to give the huge loan of Rs.23 lakhs. Therefore, the bank account details of the complainant is just and necessary.

3. However, on a reading of the evidence of the complainant, on her cross examination by the accused, she has stated that she had pledged her jewels and had paid the amounts in installments as loan to the accused. In fact the accused has examined D.W.1 as evidence. In the cross examination of the complainant, the accused has not put any question relating to the availability of money in the bank account of the complainant. In such view of

the matter, the bank details of the complainant has no relevance to decide the fact in issue. Hence, this Court does not find any infirmity in the order passed by the Trial Court in rejecting the petition.

5. Therefore, this petition is dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vji/rts

To

The Judicial Magistrate Court No.1,
Krishnagiri.

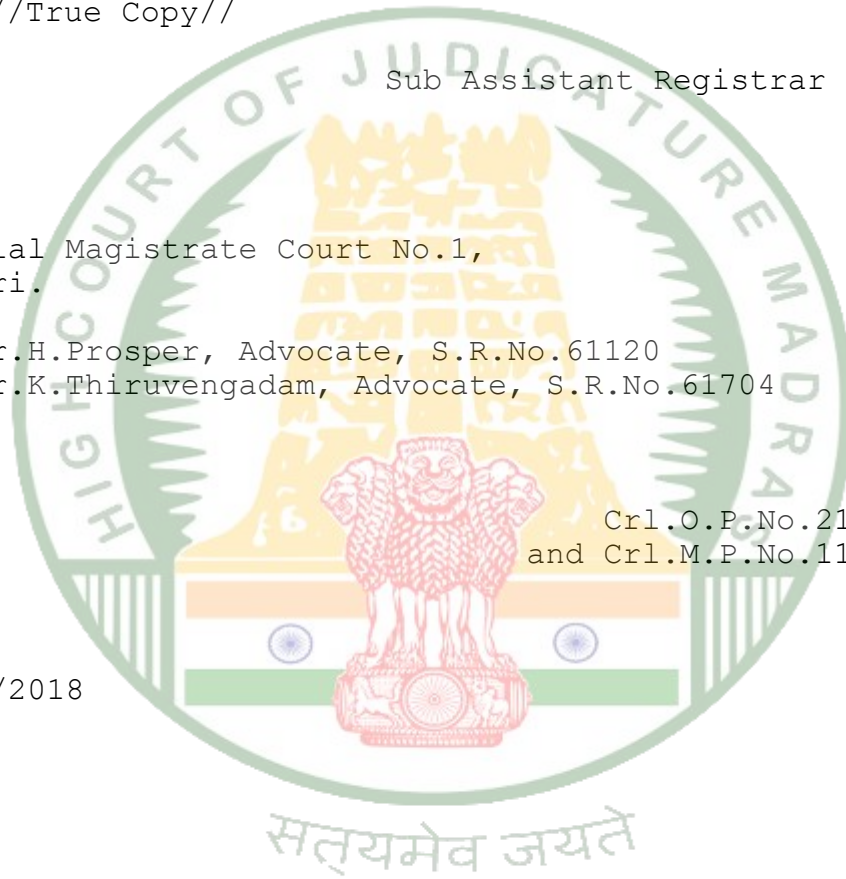
+lcc to Mr.H.Prosper, Advocate, S.R.No.61120

+lcc to Mr.K.Thiruvengadam, Advocate, S.R.No.61704

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BR(CO)

rrs 03/10/2018



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