

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.29057 of 2018

M/s.Bhagawandas Metals Ltd.,
New No.54, Old No.62,
Sembudoss Street, Chennai 600 001
Rep by its Authorized person
Saravanan
Authorization by Power of Attorney.Petitioner/Complainant

Vs.

M/s.Rajesh & Co.,
Rep by its Proprietor,
P.K.Rajesh Khanna,
No.3, Chokalingam Nagar Main Road,
Teynampet, Chennai - 600 086. Respondent/Accused

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C. to pass an order directing the Fast Track Metropolitan Magistrate Court, Egmore at Allikulam, Chennai, to permit the petitioner to mark the Court certified copies of the documents (the originals which have been marked as Ex.A1 to Ex.A26 in O.S.No.5772 of 2014 on the file of the XVII Assistant City Civil Court, Chennai) as Exhibits in the unnumbered complaint now pending before the Fast Track Metropolitan Magistrate Court, Egmore at Allikulam, Chennai.

For Petitioner : Mr.A.Thirumaran

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed seeking for a direction to the Court below to permit the petitioner to produce the certified copy of the documents along with the complaint for the purpose of taking cognizance of the complaint filed under

Section 138 of the Negotiable Instruments Act.

2. The learned counsel for the petitioner would submit that all the original documents have already been marked as Ex.A1 to A26 in O.S.No.5772 of 2014 on the file of the XVII Assistant City Civil Court, Chennai. Therefore, the learned counsel would submit that a certified copy of the documents have been obtained from the concerned Court and has been filed before the Magistrate Court. The learned Magistrate is refusing to take these documents on file and insisting for the original documents. The learned counsel would further submit that after taking cognizance and during the course of trial, the Court below can always call for the original documents from the concerned Court and at this stage it is not necessary to insist the petitioner to produce the original documents.

3. This Criminal Original Petition is disposed of with a direction to the Court below to consider the complaint filed by the petitioner along with the certified copy of the documents filed by the petitioner. The Court below shall satisfy itself, regarding the certified copies produced by the petitioner before taking cognizance of the complaint. At a later point of time, during trial, the Court can always call for the original documents from the concerned Court.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

lpp/vsa

To

- 1 The Fast Track Metropolitan Magistrate,
Egmore at Allikulam, Chennai.
2. The XVII Assistant City Civil Court, Chennai

+lcc to Mr.A.Thirumaran, Advocate SR.No.85716

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VGII(CO)
GMY(18/12/2018)