



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.10.2018
CORAM:
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.[MD].No.17029 of 2016
and
Crl.M.P(MD)No.8412 of 2016

WEB COPY

J.Shyam @ Manikandan

: Petitioner

Vs.

M/s.Madurai City Permanent Fund Ltd,
Rep.by its Chairman cum Managing Director,
Shri.K.Dharmar,
No.71, North Veli Street,
Madurai- 625 001.

: Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the order passed in Crl.M.P.No.6083 of 2016 in S.T.C.No.614 of 2013 on the file of the learned Judicial Magistrate No.I, Fast Track Court at Magisterial Level, Madurai dated 17.08.2016 and set aside the same by allowing this criminal original petition and further direct the respondent to produce the original documents mentioned in Crl.M.P.No.6083 of 2016 in S.T.C.No.614 of 2013 on the file of the learned Judicial Magistrate No.I, Fast Track Court at Magisterial Level, Madurai.

For Petitioner

: Mr.B.Senthil Kumar

For Respondent

: Mr.J.P.Arjun

ORDER

This Criminal Original Petition has been filed seeking to set aside the order passed by the court below in Crl.M.P.No.6083 of 2016 filed by the petitioner under Section 91 of Criminal Procedure Code.

2.The petitioner is an accused facing criminal complaint filed against him under Section 138 Negotiable Instruments Act. The petitioner has filed an application under Section 91 of Criminal Procedure Code for a direction to the respondent to produce the original copy of Ex.P.10, 11, 12 and also three other documents. The respondent had produced a true copy of the said documents.

3.The documents in question are ledger books belonging to the respondent's Permanent Fund Company which are not easily movable and therefore, a true copy of the same was filed before the court below and was marked as Ex.P.10, 11 and 12. The Court below found that such a secondary evidence is permissible under Section 65(d) of the Indian Evidence Act and the petitioner could have relied upon the



same. The Court below therefore, found no merits in the petition filed by the petitioner and dismissed the petition by an order dated 17.08.2016.

4. This Court does not find any ground to interfere with the order passed by the court below. The proceedings have been pending from the year 2013 onwards.

5. In the result, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The Judicial Magistrate No.I,
Fast Track Court at Magisterial Level,
Madurai.

Cr1.O.P.[MD].No.17029 of 2016
and
Cr1.M.P(MD)No.8412 of 2016
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