

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.3158 of 2015

and

M.P.No.1 of 2015

V.Flora Jenefar

...Petitioner

-Vs-

V.C.Ravichandran

...respondents

Prayer:

Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the order dated 02.09.2014 passed in C.R.P.No.47 of 2013 on the file of the III Additional District and Sessions Court, Salem confirming the order dated 22.07.2013 passed in C.M.P.No.2254 of 2013 in C.C.No.100 of 2013 on the file of the Judicial Magistrate Court No.6, Salem and set aside the same.

For Petitioner : Mr.P.Mani

For Respondent : Mr.P.Jagadeesan

ORDER

This Criminal Original Petition has been filed challenging the order passed in C.R.P No.47 of 2013 confirming the order passed in C.M.P.No. 2254 of 2013 wherein the petition filed by the petitioner under Section 91 of Cr.P.C was dismissed.

2. The petitioner is facing trial before the Court below for an offence under Section 138 of N.I Act. During the course of proceedings, the petitioner filed a petition under Section 91 of Cr.P.C and had sought for production of certain documents. The said petition was dismissed by the trial Court and the order was confirmed in revision.

3. The learned counsel for the petitioner submitted that since the initial burden is upon the petitioner to rebut the presumption, the petitioner who had denied the liability had

filed the petition under Section 91 of Cr.P.C for production of certain documents. By dismissing this petition, the petitioner has been deprived of an opportunity to rebut the presumption.

4. The learned counsel for the respondent submitted that both the Courts below have given cogent reasons while dismissing the petition filed by the petitioner and there are absolutely no grounds to interfere with the same. The learned counsel further submitted that the petitioner had agreed to pay the entire cheque amount and he had also filed a memo before the trial Court and thereafter, went back and is filing one petition after another in order to drag on the proceedings.

5. This Court has carefully considered the submissions made on either side and also the materials placed on record. Both the trial Court and the revision Court have given cogent reasons for dismissing the petition filed by the petitioner under Section 91 of Cr.P.C. This Court does not find any illegality or infirmity in the orders passed by the Courts below and it does not require any interference.

6. In the result, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.100 of 2013 within a period of three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-
Deputy Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

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To

1. The III Additional District and Sessions Judge, Salem.
2. The Judicial Magistrate No.VI, Salem.

+1cc to Mr.P.Mani, Advocate, S.R.No.45497
+1cc to Mr.P.Jagadeesan, Advocate, S.R.No.45605

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RSV(CO)
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