

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.1863 & 1866 of 2019
and

Crl.M.P.No.1152 of 2019

1.K.R.Srinivasan

2.M/s.Niton Tea Company
Door No.19/69, Donnington
Kotagiri, Represented by
Mr.K.R.Srinivasan ... Petitioners/Accused in both Crl.O.Ps.

Vs.

M/s.Imperial Tea Company (P) Limited
Door No.138, Grays Hill
Coonoor, The Nilgiris
Represented by its Chairman and
Authorised Signatory
Mr.R.B.Subramani ... Respondent/Complainant in both Crl.O.Ps.

COMMON PRAYER: Criminal Original Petition filed under
Section 482 Cr.P.C. to set aside the order dated 21.12.2018
passed by the learned Judicial Magistrate, Fast Track Court,
Coonoor in C.M.P.Nos. 2074 & 2075 of 2018 in C.C.No.58 of 2013.

For Petitioners : Mr.L.Mouli
For Respondent : Mr.B.Kumarasamy

COMMON ORDER

These Criminal Original Petitions have been filed by the
petitioners under Section 482 Cr.P.C. to set aside the order
dated 21.12.2018 passed by the learned Judicial Magistrate, Fast
Track Court, Coonoor in C.M.P.Nos.2074 & 2075 of 2018 in
C.C.No.58 of 2013.

2.The learned counsel for the petitioner would submit
that the respondent herein filed a complaint under Section 138
of Negotiable Instruments Act against the petitioners before the
learned Judicial Magistrate, Coonoor in C.C.No.58 of 2013 with
allegations that the petitioners are liable to pay a sum of
Rs.50,04,393/- and issued a cheque on 10.10.2011 at Coonoor,

bearing No.023726, dated 10.11.2011, drawn on Central Bank of India, Conoor Branch, for the said amount of Rs.50,04,393/- and further alleged that the 1st petitioner issued a notice dated 31.10.2011 seeking to return the three unfilled cheques and also informed that the closure of company as well as the bank account in the year 2005 and when the respondent presented the said cheque on 11.11.2011, the same was returned as "funds insufficient", thereafter, a statutory notice dated 15.11.2011 was issued to the petitioners.

3.The learned counsel would further submit that after receipt of the summons, the petitioners appeared and the respondent was examined as PW1 and the petitioner has cross examined him and after complainant side evidence was closed and after questioning under Section 313 of Cr.P.C. the case was posted for petitioner's side evidence. The petitioners submit that on 03.08.2018, they filed a memo stating the list of witnesses to be examined on their side i.e. The Branch Manager, Central Bank of India, The Chief Executive Director and the Commercial Tax Officer, Coonoor Range. Thereafter, the petitioners filed application under Section 91(1) Cr.P.C. in C.M.P.Nos.2074 & 2075 of 2018 before the learned Judicial Magistrate, Fast Track Court, Coonoor to direct the Chief Executive Director - Tea Board, shell Wood, Club Road, Sim's Park Coonoor to produce records and details of the Tea Board Rules and Practice in tea trading brokering under the care and custody of Tea Board, Coonoor and The Commercial Tax Officer, Coonoor Range, Jail Hill Road, Udhagamandalam, Nilgiris to produce the records pertaining to Teas sold by the respondent / complainant of the petitioner / accused and also the turn over and payment of commercial tax by respondent / complaint for teas sold during the period of January 2000 to till last commercial tax payment of M/s.Nilton Tea Company, Kotagiri by M/s.Imperial Tea Company, Coonoor and also to give evidence regarding the same. The said petitions were dismissed on 21.12.2018. Aggrieved by the same, the petitioners have preferred this petition.

4.Heard the learned counsel on either side.

5.This Court finds no merits in these petitions. Accordingly, these Criminal Original Petitions stand dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

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To.

The Judicial Magistrate
Fast Track Court
Coonoor

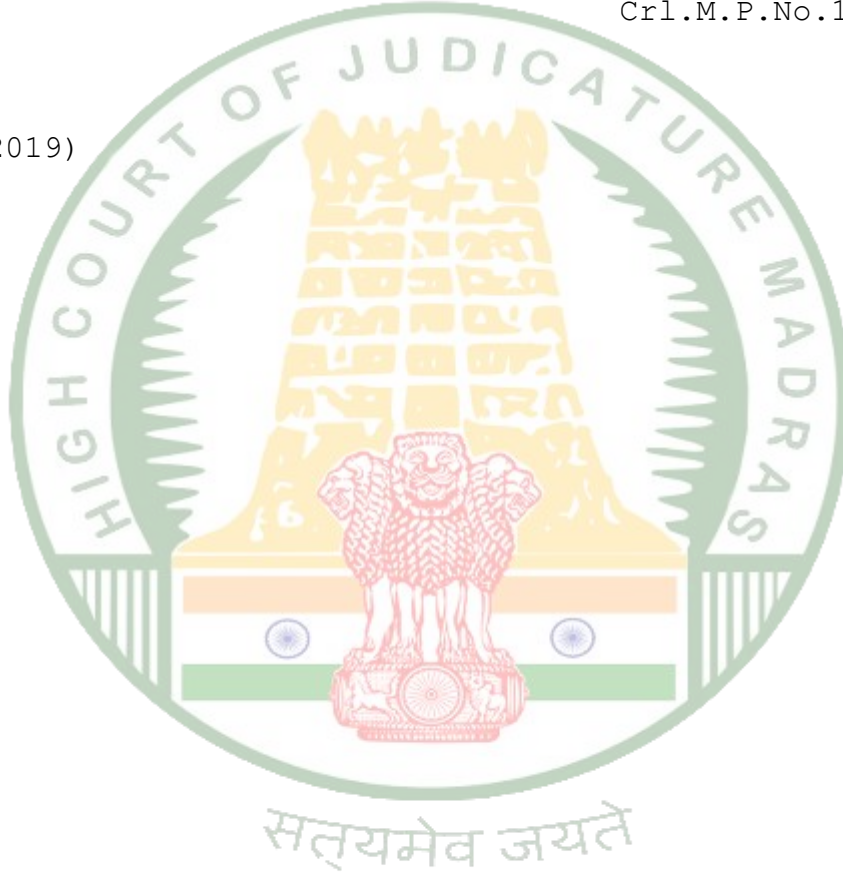
+2cc to Mr.L.Mouli, Advocate, S.R.No. 36755, 36756

+2cc to Mr.B.Kumarasamy, Advocate, S.R.No. 37017, 37018

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and

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NRJK(CO)
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