

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7284 of 2019

C.Balu

...Petitioner

Vs.

R.M.Meiyappan

...Respondent

Prayer: Criminal Original Petition has been filed seeking to set aside the order dated 12.03.2019 in Cr.M.P.No.1796 of 2019 passed by the learned FTC-IV Metropolitan Magistrate, George Town, Chennai and the exhibit P1-Promissory Note and the Exhibit P2-Cheque in question in C.C.No.2068 of 2016 on the file of the learned FTC IV Metropolitan Magistrate, George Town, Chennai may be sent to Forensic Science Lab for handwriting opinion.

For Petitioner : Mr.V.Sathish

For Respondent : Mr.R.Mahendran

O R D E R

This Criminal Original Petition has been filed challenging the order dated 12.03.2019 in Cr.M.P.No.1796 of 2019 passed by the learned FTC-IV Metropolitan Magistrate, George Town, Chennai, thereby dismissing the petition, filed by the petitioner under Section 91 Cr.P.C.

2.The petitioner is an accused in the proceedings initiated by the respondent in C.C.No.2068 of 2016 before the FTC IV, Metropolitan Magistrate, George Town, Chennai, for the offences under Section 138 of Negotiable Instruments Act. The Calendar case is of the year 2017. It is seen that the petitioner has already filed a petition in Crl.O.P.No.10212 of 2018 before this Court under Section 311 Cr.P.C., for cross examination of P.W.1 and the same was dismissed by an order dated 02.04.2018, with a direction to approach the trial Court and file an application

under Section 311 Cr.P.C. Accordingly, the petitioner filed a petition before the trial judge under Section 311 Cr.P.C., in Cr.M.P.No.4648 of 2018 and the same was also dismissed. Again the petitioner filed a petition before this Court in CrI.O.P.No.958 of 2019 seeking to set aside the order dated 10.07.2018 passed by the trial Judge. This Court by an order dated 23.01.2019 has set aside the order of the trial Judge and allowed the petitioner to cross examine P.W.1 on the date fixed by the trial Court. Accordingly, trial Court also fixed a date for cross examination of P.W.1 and the petitioner examined P.W.1 and the matter was posted for arguments. At this stage, the petitioner has filed the present petition under Section 91 Cr.P.C., seeking direction to the Income Tax Assessor, Office of the Income Tax Department, to furnish the details of the respondent/complainant for production of details of the Income Tax returns filed for the assessment years 2012-2013 and 2013-2014.

3.Heard both sides.

4.It is seen that the petitioner has filed this petition at the stage of arguments and the Income Tax returns are not at all required in this stage, since the petitioner has elaborately cross examined P.W.1 on 08.02.2019, itself. Further, after a period of one month that too, when the case is posted for arguments, the petitioner has filed the present petition is nothing but only to drag on the proceedings and to prolong the case. Therefore, this Court does not find any illegality or infirmity in the order passed by the learned FTC-IV, Metropolitan Magistrate, George Town, Chennai, in Cr.M.P.No.1796 of 2019, as such it does not warrant any interference of this Court.

5.Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is also dismissed.

However, the Trial Judge is directed complete the entire trial proceedings within a period of four weeks, from the date of receipt of copy of this order.

rm

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To
1.The IV Metropolitan Magistrate,
Fast Track Court,
George Town, Chennai.

+1cc to Mr.V.Sathish, Advocate, SR.No.27008
+1cc to Mr.R.Mahadevan, Advocate, SR.No.25873

Cr1.O.P.No.7284 of 2019

Kak (07/05/2019)