0IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8100 of 2019
and Crl.M.P.No.4370 of 2019

S.R.Sivalingam ... Petitioner/Accused

Vs.

Chandrasekaran ...Respondent/Complainant

PRAYER:
Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order dated 31.01.2019 passed by the Judicial Magistrate No.1, Tindivanam in CMP.No.54 of 2019 in C.C.No.1 of 2018.

For Petitioner : Mr.M.Govindaraju

For Respondent : Mr.V.V.Sairam

O R D E R

This Criminal Original Petition has been filed to set aside the order dated 31.01.2019 passed by the learned Judicial Magistrate No.1, Tindivanam in CMP.No.54 of 2019 in C.C.No.1 of 2018.

2. It is seen that the petitioner filed a petition under Section 91 of Cr.P.C in the proceedings initiated by the respondent for the offence under Section 138 of Negotiable Instruments Act. Calling up on to produce the income tax returns of the complainant for the purpose to disprove the transactions. This Court and Hon'ble Supreme Court of India have repeatedly held that pending income tax returns are not at all necessary for conducting trial for defending under Section 138 of Negotiable Instrument Act. Therefore, the learned Judicial Magistrate has rightly dismissed the petition.

3. Therefore, this Court does not find any illegality or infirmity in the order passed by the Court below. This Court already directed the trial Court to dispose the case within a period of four months from the date of receipt of a copy of this

order, by an order dated 11.01.2018. Therefore, the trial Court is directed to complete the trial proceedings as directed by this Court.

4. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Judicial Magistrate No.1,
   Tindivanam

+1cc to Mr.V.V.Sairam, Advocate, S.R.No.37491
+1cc to Mr.M.Govindaraju, Advocate, S.R.No.38593

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CS/21/05/2019