

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.07.2019

CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.8682 of 2017
and
Crl.M.P No.6186 of 2017

K.Sukumaran

...Petitioner

Vs.

C.A.Thangavel

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to set aside the order dated 11.01.2017, passed in C.M.P No.3003 of 2016 in C.C No.242 of 2015, on the file of the Fast Track Judicial Magistrate No.I, Coimbatore, by allowing this Criminal Original petition.

For Petitioner : Mr. Manimaran

For Respondent : Mr. R.Ganesh Babu

ORDER

This petition has been filed against the order passed by the Court below dismissing the application filed under Section 91 of Cr.P.C to direct the respondent / complainant to cause production of certain documents.

2. The petitioner is facing trial before the Court below for an offence under Section 138 of Negotiable Instruments Act. The case was at the stage of trial and examination of the complainant as PW1. At that stage, the present application came to be filed under Section 91 of Cr.P.C to direct the complainant to cause production of nearly 7 documents. The Court below dismissed the petition mainly on the ground that PW1 is yet to be cross examined by the petitioner and even before the cross examination, the petitioner has resorted to file an application under Section 91 of Cr.P.C and direct the complainant to produce certain documents and according to the Court below, the petition itself is premature and the necessity of the production of these documents, can be decided only after the cross examination of PW1 or at the time of examination of the defence witnesses.

3. While dismissing the petition, the Court below did not foreclose the right of the petitioner to approach the Court

seeking for furnishing documents by the complainant. The Court below has stated that the stage has not arisen for the petitioner to seek such documents and PW1 has not even been cross examined by the petitioner.

4. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

5. This Court does not find any illegality or infirmity in the orders passed by the Court below. The petitioner can very well cross examine PW1 and elicit answers from him. Thereafter, the petitioner can file a fresh application seeking for the production of documents from the complainant. Even otherwise, the petitioner can call for the documents at the time of adducing evidence on the side of the defence. The order passed by the Court below does not foreclose the right given to the petitioner. This Court does not want to interfere with the orders passed by the Court below.

6. In the result, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in C.C No.242 of 2015 within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

The Fast Track Judicial Magistrate No.I,
Coimbatore.

CRL.O.P No.8682 of 2017
and
Crl.M.P No.6186 of 2017

BS (CO)

RRS (12/07/2019)

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