

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.04.2019
CORAM:
THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN
CRL.O.P.No.2611 of 2017

Chandrasekaran
S.V.S.Agency (DTDC Courier & Cargo Ltd.)
Old No.252, New No.240,
Triplicane High Road,
Triplicane,
Chennai-05.

... Petitioner/Accused

Vs.

Karthikeyan

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the order passed in Crl.M.P.No.5424 of 2016 in C.C.No.1763/15 dated 06.01.2017 pending on the file of the Metropolitan Magistrate, IV Fast Track Court, George Town, Chennai by allowing this criminal original petition.

For Petitioner : Mr.R.Thirumoorthy
For Respondent : Mr.K.Manimaran

O R D E R

The Criminal Original Petition has been filed to challenge the order in Crl.M.P.No.5424 of 2016 dated 06.01.2017 in C.C.No.1763 of 2015, thereby dismissed the petition filed under Section 91 Cr.P.C.

2.Heard, Mr.R.Thirumoorthy, learned counsel appearing for the petitioner and Mr.K.Manimaran, learned counsel appearing for the respondent and perused the materials available on record.

3.It is seen that the petitioner is the accused in the proceedings initiated by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act. Pending trial, the petitioner filed a petition under Section 91 Cr.P.C., to direct the respondent/complainant to produce the Statements of Accounts and also cheque returned memo register, the said petition was dismissed by the trial Court.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Without any base, the respondent filed a complaint before the learned Metropolitan

Magistrate, IV Fast Track Court, George Town, Chennai and the same is pending for the offence under Section 138 of the Negotiable Instruments Act as against the petitioner. Hence, he prayed to quash the same.

5. Considering the above facts and circumstances of the case, this Court feels that no prejudice would be caused if the Statements of Accounts is produced. Accordingly, the order passed by the trial Court is set aside and the respondent is directed to produce only the Statements of Accounts in pursuant to Account No.460723297 from 01.01.2013 to 21.06.2014, Indian Bank, Mannadi Branch, 221, T.C.Street, Chennai - 600 001, before the learned Metropolitan Magistrate, IV Fast Track Court, George Town, Chennai. On receipt of such documents, the learned Metropolitan Magistrate, IV Fast Track Court, George Town, Chennai is directed to proceed with the trial in accordance with law.

6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pam

To

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

+1 cc to Mr.K.Manimaran, Advocate, Sr.No. 39844

CSL/26.06.2019

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