

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.16912 of 2017
and
Cr1.M.P.No.10393 of 2017

Rameshkumar

... Petitioner

vs.

Thangamyil

... Respondent

PRAYER: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, praying to set aside the order dated 10.02.2017 passed in C.M.P.No.5841 of 2015 filed in S.T.C.No.840 of 2013 by the learned Judicial Magistrate, Sathayamangalam.

For Petitioner : Mr.R.P.Murugan Raja

ORDER

This petition has been filed seeking to set aside the order dated 10.02.2017 passed in C.M.P.No.5841 of 2015 filed in S.T.C.No.840 of 2013 by the learned Judicial Magistrate, Sathayamangalam.

2. This petition has been filed challenging the order passed by the Court below dismissing the application filed under Section 91 of Cr.P.C. to issue summons to the police to furnish certain documents.

3.The petitioner was facing trial before the Court below for an offence under Section 138 of Negotiable Instruments Act. During the course of trial, the petitioner filed a petition under Section 91 of Cr.P.C. to direct the police to furnish certain documents. The Court below dismissed the petition on the ground that the documents that were sought to be produced, had no bearing on the case and it has been filed only with a view to protract the proceedings.

4.The learned counsel for the petitioner submitted that the Court below went wrong in dismissing the petition and that the documents are necessary for the petitioner to establish his defence before the Court below and rebut the presumption under Section 139 of the Negotiable Instruments Act. The learned

counsel for the petitioner further submitted that the case is now at the stage of final arguments.

5. This Court does not find any illegal infirmity in the order passed by the Court below and there is no ground to interfere with the same.

6. In the result, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in S.T.C.No.840 of 2013 within a period of two months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

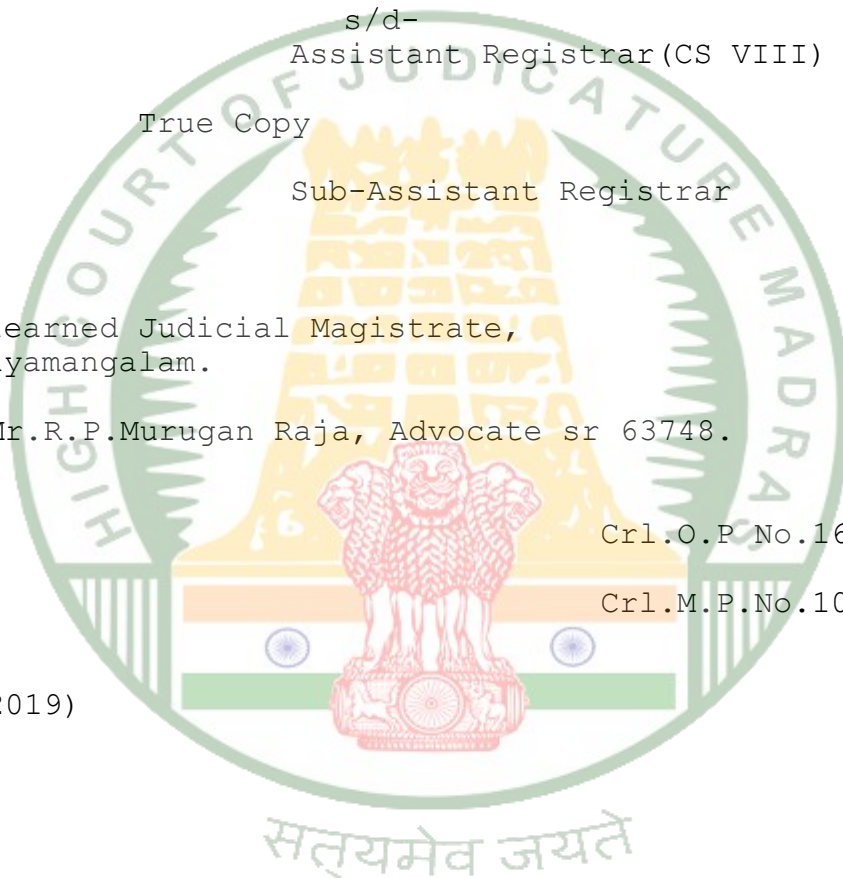
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To

The learned Judicial Magistrate,
Sathayamangalam.

+1 CC to Mr.R.P.Murugan Raja, Advocate sr 63748.

Crl.O.P.No.16912 of 2017
and
Crl.M.P.No.10393 of 2017

SS (CO)
SP (26/08/2019)



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