



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.11.2019
CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)Nos.218 & 219 of 2019

and

Cr.M.P.(MD)Nos.79 & 80 of 2019

KR.Shanthi @ Shanthi Karuppaiah ... Petitioner/Accused
(in Crl.O.P.(MD)No.218 of 2019)

KR.Karuppiah ... Petitioner/Accused
(in Crl.O.P.(MD)No.219 of 2019)

Vs.

J.Madhan Mohan ... Respondent/Complainant
(in both petitions)

Common Prayer:Criminal Original Petitions filed under section 482 of Criminal Procedure Code, to set aside the orders passed in Crl.R.C.Nos.48 & 49 of 2018 dated 24.09.2018 on the file of the III Additional District & Sessions Judge, Trichirappalli, confirming the orders passed in Crl.MP.Nos.4932 & 4933 of 2018 in C.C.Nos.177 & 178 of 2017 dated 14.08.2018 on the file of the Judicial Magistrate No.I, Trichirappalli.

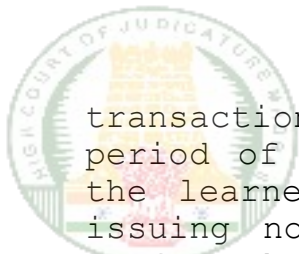
For Petitioners : Mr.V.Ilanchezian
(in both petitions)

For Respondent : Mr.R.Sundar
(in both petitions)

COMMON ORDER

These petitions have been filed challenging the orders passed in Crl.R.C.Nos.48 & 49 of 2018 dated 24.09.2018 on the file of the III Additional District & Sessions Judge, Trichirappalli, by confirming the orders passed in Crl.MP.Nos.4932 & 4933 of 2018 in C.C.Nos.177 & 178 of 2017 dated 14.08.2018 on the file of the learned Judicial Magistrate No.I, Trichirappalli.

2.The respondent filed a complaint before the learned Judicial Magistrate No.II, Tiruchirappalli, under Section 138 of Negotiable Instruments Act, as against the petitioners for dishonour of cheque drawn for a sum of Rs.1,46,16,000/-. At the time of trial, the petitioners filed petitions in Crl.MP.Nos.4932 & 4933 of 2018 in C.C.Nos.177 & 178 of 2017 under Section 91 of Cr.P.C. to direct the respondent to produce the documents viz., Account Books, Income Tax Returns, Statements of accounts, Auditors Reports and Bank Account statement for the Corresponding Accounts with regard to the



transactions as alleged by the respondent in the complaint for the period of 01.04.2010 to 31.03.2017 and the same were dismissed by the learned Judicial Magistrate No.I, Trichirappalli without even issuing notice to the respondent. Against which, the petitioners preferred Crl.R.C.Nos.48 & 49 of 2018 before the III Additional District and Sessions Judge and the same were also dismissed as not maintainable. Hence, the petitioners approached this Court.

3.On perusal of the complaint, it reveals that in respect of the documents, which were demanded by the petitioners, no where connected with the proceedings initiated by the respondent under Section 138 of Negotiable Instruments Act. Therefore, the learned Magistrate, rightly dismissed the application filed by the petitioners.

4.That apart, the respondent produced the statement of accounts for the concerned period before the trial Court along with the complaint. Hence, the learned District & Sessions Judge also dismissed the petitions in Crl.R.C.Nos.48 & 49 of 2018 and confirmed the orders passed in Crl.M.P.Nos.4932 & 4933 of 2018 in C.C.Nos.177 & 178 of 2017 dated 14.08.2018 on the file of the learned Judicial Magistrate No.I, Trichirappalli.

5.Therefore, this Court does not find any illegality or infirmity in the orders passed by the Court below. Hence, these petitions are dismissed. However, the trial Court is directed to complete the trial within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

dss

To
The III Additional District & Sessions Judge,
Trichirappalli.

Copy to: The Judicial Magistrate,
Trichirappalli

+2 CC to Mr.R. SUNDAR, Advocate SR-101411, 101413

+2 CC to Mr.V. ILLANCHEZIAN, Advocate SR-101887, 101886

Crl.O.P.(MD)Nos.218 & 219 of 2019
and Cr.M.P.(MD)Nos.79 & 80 of 2019
26.11.2019