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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 11.07.2019

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.RC.(MD)No.280 of 2019

and

Crl.MP(MD)No.4091 of 2019

Poongothai : Revision Petitioner/Petitioner

Vs.

S.Balusamy : Respondent/Respondent

Prayer: Criminal Revision filed under Section 401 of the Code of Criminal Procedure against the order passed in Crl.M.P No.696 of 2019 in C.C.No.59 of 2016, dated 11.02.2019 by the Fast Track Court (Magisterial Level), Karur.

For Revision Petitioner : Mr.K.Suresh
For Respondent : Mr.P.Pandia Rajan

O R D E R

This Criminal Revision has been filed against the order passed in Crl.M.P No.696 of 2019 in C.C.No.59 of 2016, dated 11.02.2019 by the Fast Track Court (Magisterial Level), Karur.

2.The petitioner filed a petition under Section 254 (2) of the Criminal Procedure Code to issue witness summon to one V.K.Rajendran to produce the Income Tax Return (or) any other document signed by him in the year 2004 and to give evidence in respect of the same. The said petition was dismissed by the trial court. Aggrieved by the order of the trial court, the petitioner is before this Court.

3.Heard both sides and perused the materials available on record.

4.The main contention raised on the side of the revision petitioner/accused is that she borrowed amount only from V.K.Rajendran and for that, she gave blank cheque and pronotes to V.K.Rajendran and the complainant is the Associate of V.K.Rajendran and the said V.K.Rajendran filed the case through his Associate and for the receipt of the blank cheques, V.K.Rajendran has given acknowledgement letter and to prove it, Income Tax Return and any other authenticated documents of the year 2004 of the said V.K.Rajendran is to be necessary and hence, petitioner filed the

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to produce the above documents.

5. It is to be noted that to prove that the petitioner/accused borrowed amount from V.K.Rajendran, no document was filed. The contention of the petitioner is that for the borrowal of money from the said V.K.Rajendran, she gave blank cheques and for that, V.K.Rajendran gave her a letter of acknowledgement. But she has not produced the above letter of acknowledgement in this case. No explanation was given for the non-production of the above letter of acknowledgement in this case.

6. The case of the respondent is that the petitioner borrowed money from him and gave the cheque. The petitioner has not given any complaint to the police stating that V.K.Rajendran misused the cheques given by her and falsely gave the complaint against her through his Associate. Only at the time of trial, it is to be decided whether the petitioner borrowed any amount from the complainant for legally enforcement debt or not. No document was filed on the side of the petitioner to prove that she borrowed amount from the said V.K.Rajendran. Hence, under these circumstances, it is not necessary to examine the said V.K.Rajendran and directed him to produce the petition mentioned documents.

7. For all the reasons stated above, the reasons stated by the petitioner are not acceptable. Hence, in the interest of justice, the criminal revision is liable to be dismissed.

8. In the result, the criminal revision fails and the same is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

Sub Assistant Registrar(CS)

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To,
The Fast Track Court,
Magisteral Level, Karur.

+1CC TO MR.P.PANDIA RAJAN, Advocate Sr. No. 75293

Cr1.RC(MD)No.280 of 2019
11.07.2019

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