

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 01.11.2019****CORAM:****THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN**Crl.O.P(MD) No.12184 of 2019andCrl.M.P(MD) No.7653 of 2019

Balla Steels

Rep. by its Managing Director

R. Palanisamy

... Petitioner/Petitioner/Complainant

Vs.

Sri Ashwini Agencies

Rep. by Proprietor

R.Velmanai

... Respondent/Respondent/Accused

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order passed by the learned Fast Track Court at Judicial magistrate Level, Karur in C.M.P.No.5447 of 2019 in C.C.No.200 of 2016 dated 24.06.2019

For Petitioner : Mr S.Shanmugaselvam

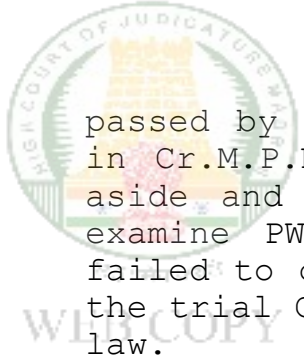
ORDER

This petition has been filed to set aside the order passed by the learned Fast Track Court at Judicial magistrate Level, Karur in C.M.P.No.5447 of 2019 in C.C.No.200 of 2016 dated 24.06.2019

2. It is seen that the petitioner is the complainant. He lodged complaint against the respondent under Negotiable Instrument Act. During his examination he failed to mark Registration Certificate, partnership deed of the complainant firm. Thereafter he traced the same and filed petition under Section 311 of Cr.P.C to mark those documents. The trial court dismissed the same for the reason that the complainant stated about the relevancy of the document as a sufficient cause for non production of those documents during the course of trial. Further the trial Court reasoned that the entire documents are xerox copies and are attested by Notary Public , which is not admissible form of evidence in the eye of law.

3. The learned counsel for the petitioner now submitted that the petitioner is having the original documents and he is ready to produce the same before the trial court.

4. Considering the facts and circumstances of the case, this Court feels that the petitioner may be given one more opportunity to mark those documents. Accordingly, the order dated 24.06.2019,



passed by the learned Judicial Magistrate, Fast Track Court, Karur in Cr.M.P.No.5447 of 2019 in C.C.No.200 of 2016, is hereby set aside and the trial court is directed to fix the date to cross examine PW.1 by payment of necessary charges. If the petitioner failed to cross-examine P.W.1 on the date fixed by the trial Court, the trial Court is directed to proceed with trial in accordance with law.

5. With the above directions, this Criminal Original Petition is allowed. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

aav

To

Judicial Magistrate, Fast Track Court, Karur

+1CC TO MR.N.SHANMUGASELVAM, Advocate Sr. No. 95735

Cr1.O.P(MD) No.12184 of 2019
and
Cr1.M.P(MD) No.7653 of 2019
01.11.2019

SCR(CO)

TR(14.11.2019) 2P 3C