



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.13924 of 2019

and

Crl.M.P. (MD) No.8480 of 2019

WEB COPY

Velayutham

... Petitioner/Petitioner/Accused

Vs

Abdul Azeez

... Respondent/Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to set aside the order passed by the Additional District and Sessions Court, Periyakulam, Theni District in Crl.M.P.No.20 of 2019 in C.A.No.52 of 2018 dated 24.07.2019 and called for the documents relating to the respondents income tax particular in the year 2015-2016 regarding to the disputed cheque amount.

For Petitioner : Mr.S.Balaji

For Respondent : Mr.R.Shankar Ganesh

O R D E R

This petition has been filed challenging the order passed in Crl.M.P.No.20 of 2019 in C.A.No.52 of 2018 dated 24.07.2019 on the file of the Additional District and Sessions Court, Periyakulam, Theni District, whereby dismissing the application filed by the petitioner under Section 91 Cr.P.C., calling upon the respondent to produce the income tax document to rebut the evidence of the respondent.

2.The respondent lodged a complaint under Section 138 of the Negotiable Instrument Act as against the petitioner in S.T.C.No.97 of 2016 and ended in conviction. The trial Court convicted the petitioner and sentenced him to undergo 2 months simple imprisonment and also awarded compensation of Rs.7 lakhs under Section 357 Cr.P.C. Before the trial Court, though the petitioner examined himself as Defence witness, failed to file any application under Section 91 Cr.P.C to produce the income tax returns of the respondent herein. While convicting the petitioner, the trial Court concluded that the petitioner failed to rebut the evidence of the respondent. Whereas, in the appeal stage, he filed application under Section 91 Cr.P.C., before the appellate Court to produce the income tax returns to rebut the case of the respondent.

3.It is seen that in order to drag on the appeal proceedings, this petition has been filed. Therefore, the lower appellate Court rightly dismissed the petition and this Court finds no irregularity or infirmity in the order passed by the lower appellate Court.

4.Accordingly, this criminal original petition is dismissed. However, the lower appellate Court viz., Additional District and Sessions Court, Periyakulam, Theni District is directed to complete the appeal proceedings, within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

Arul

To

1.The Additional District and Sessions Judge,
Periyakulam, Theni District.

+1 CC to Mr.S.BALAJI, Advocate (SR-96746[F] dated 07/11/2019)

+1 CC to Mr.SHANKAR GANESH, Advocate (SR-96826[F] dated 07/11/2019)

Order made in
CRL.O.P (MD) No.13924 of 2019
07.11.2019

VB(25.11.2019) 2P 4C