



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CR.L.O.P. (MD)No.9746 of 2017

and

CRL.MP (MD)No.6647 of 2017

S.Thiyagaraja

... Petitioner/Respondent
Accused

Vs.

Somuthevan (HUF)
Represented by his Kartha
Mr.Somuthevan

... Respondent/Petitioner/
Complainant

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code, to set aside the order passed in Cr.M.P.No.2592 of 2017 in S.T.C.No.616 of 2013 on the file of the learned Judicial Magistrate No.IV, Trichirappalli dated 24.05.2017.

For Petitioner : Mr.C.Vakeeswaran
For respondent : Mr.R.Sundar

ORDER

This petition has been filed challenging the order passed by the Court below allowing the application filed by the respondent under Section 311 of Cr.P.C by the respondent/complainant to produce certain documents before the Court.

2. The respondent has filed a complaint against the petitioner for an offence under Section 138 of Negotiable Instruments Act. In the course of trial, the respondent filed an application under Section 311 of Cr.P.C to allow P.W.1 to produce certain documents in order to substantiate his case. The Court below allowed the said application on the ground that the documents in question were already produced before the Court and the present application is filed only for marking those documents and therefore no prejudice will be caused to the petitioner if the complainant is allowed to mark those documents.



3. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent and perused the materials placed on record.

4. This Court does not find any illegality or infirmity in the order passed by the Court below. Documents which were already available before the Court are sought to be marked through P.W.1 and no prejudice will be caused to the petitioner, if those documents are allowed to be marked. The petitioner will always have an opportunity to put questions on those documents and defend himself effectively in this case.

5. This Court finds no ground to interfere with the order passed by the Court below.

6. In the result, the Criminal Original Petition is dismissed. The Court below is directed to complete the proceedings in S.T.C.No.616 of 2013 within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

The Judicial Magistrate No.IV,
Trichirappalli.

+1 CC to Mr.C. VAKEESWARAN, Advocate SR-85467.

+1 CC to Mr.R.SUNDAR, Advocate SR-85480.

CR.L.O.P. (MD)No.9746 of 2017

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CS(18.09.2019) 2P 4C