

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 3902 of 2018
and Crl.M.P. Nos.1807 & 1808 of 2018

Devi,
Proprietrix of Ayyan Agro Services ...Petitioner

Vs.

M/s. Southern Agro Engine Private Ltd.,
rep. by its authorised signatory/Manager
Finance, Mr.S.V.Srinivasan ...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order made in Crl.M.P. No.2173 of 2017 in C.C.No.456 of 2016 dated 11.01.2018 on the file of Judicial Magistrate Fast Track at Magisterial level, Alandur and direct the complainant to produce the above said documents for effective cross-examinations of P.W.1.

For Petitioner : No appearance

For Respondent : M/s.Samuthira Vijayan

ORDER

This Criminal Original Petition has been filed challenging the order passed in Crl.M.P. No.2173 of 2017 in C.C. No.456 of 2016 dated 11.01.2018 on the file of Judicial Magistrate Fast Track at Magisterial level, Alandur, thereby dismissing the petition filed under Section 91 of Crl.P.C. seeking for documents to cross-examine P.W.1.

2. It is seen that the respondent has initiated proceedings for the offence punishable under Section 138 of Negotiable Instruments Act as against the petitioner in C.C.No.456 of 2016. Initially, the petitioner has received summons and thereafter, he did not appear before the trial court, and as such, the non-bailable warrant has been issued against the petitioner. After recalling the warrant issued against him, he has filed this petition under Section 91 of Crl.P.C. seeking the following documents :-

(i) Statement of account of the complainant company from the period 01.01.2013 to till date.

(ii) Subsidy payments details made to the complainant company by the Government of Tamil Nadu for supplying tillers to agriculturist.

(iii) Mail communications between the complainant company and the accused company from the period 01.01.2012 to till date. It is seen that all the documents are no way connected with the present complaint lodged by the respondent/complainant. Further, the petition has been filed only to drag on the proceedings and nothing else. Therefore, the Trial Court has rightly dismissed the petition filed by the petitioner and hence, this Court finds no infirmity or irregularity in the order passed by the Trial Court. Hence, this petition is devoid of merits. Accordingly, this Criminal Original Petition is dismissed. However, the criminal case is of the year 2016, the Trial Court is directed to complete the trial within a period of six months from the date of receipt of the copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The Judicial Magistrate,
Fast Track at Magistrate Level,
Alandur.

CRL.O.P. No. 3902 of 2018

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KKV/03/09/2020