

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5790 of 2020
and
Crl.M.P.No.3293 of 2020

Mrs.C.Chandrapriya ... Petitioner/Accused

Vs.

Mr.Davit Rajan ... Respondent/Complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to set aside the order passed by the Hon'ble II Fast Track Judge Court, Egmore, Allikulam, Chennai in Crl.M.P.No.5507 of 2020 in C.C.No.5309 of 2017 dated 25.02.2020.

For Petitioner : Mr.V.Balasubramani

For Respondent : No Appearance

O R D E R

This petition has been filed challenging the order passed in Crl.M.P.No.5507 of 2020 in C.C.No.5309 of 2017 dated 25.02.2020 on the file of the II Fast Track Judge Court, Egmore, Allikulam, Chennai.

2. The petitioner is an accused and the compliant lodged by the respondent for the offences punishable under Section 138 of Negotiable Instruments Act.

3. According to the petitioner, the respondent/complainant was working under the petitioner's management and as such, there is absolutely no link to borrow any loan from the respondent herein by the petitioner. That apart, the alleged cheque has been taken from the custody of the petitioner and it has been mis-used by the respondent and foisted false complaint as against the petitioner herein.

4. The respondent had no income to lend a sum of Rs.15,00,000/- to the petitioner herein in the year 2013. Since he was working under the management of the petitioner and he has no source of income to that amount. Therefore, the petitioner has filed the petition under

Section 91 of Cr.P.C., for directing the respondent to produce the document to prove his source of income. The petition has been filed at the fag end of the trial and not filed immediately after cross-examination of PW1. That apart, the stand taken by the petitioner that the source of income of the respondent has to be produced before the trial Court, so that the petitioner can prove that the respondent had no income in the year 2013 to lend Rs.15,00,000/- to the petitioner herein. The petitioner would have very well cross-examined in this aspect, PW1 and establish that he had no income during 2013. Without doing so, at the fag end of the trial, the petition has been filed to produce the documents to show the source of income. That apart source of income is no way connected for the petitioner to defence his case, therefore, the trial Court rightly dismissed the petition.

5. This Court also finds no infirmity or illegality in the order passed by the trial Court and accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The II Fast Track Judge Court,
Egmore,
Allikulam,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.V.Balasubramani, Advocate, S.R.No.25357

CrI.O.P.No.5790 of 2020
and
CrI.M.P.No.3293 of 2020

PVS(CO)
CB(21/08/2020)