IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5623 of 2020 and
Crl.MP.No.3189 of 2020

1.M/s.Headway Projects
A Partnership firm represented by its
Managing Partner,
No.23/10, 7th Cross Street,
Shenoy Nagar West,
Chennai 600 030
2.Vani Priya,
Partner – Headway Projects,
No.23/10, 7th Cross Street,
Shenoy Nagar West,
Chennai 600 030 .. Petitioners/Accused 1 & 2

Vs.

Vinay Lodha .. Respondent

Prayer :
Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 24.01.2020 made in Crl.MP.No.9192 of 2019 in CC.No.1218 of 2016 pending on the file of the learned Metropolitan Magistrate, Fast Track Court at Magistrate Level IV, George Town, Chennai1.

For Petitioners : Mr.P.C.Harikumar,
for M/s.P.C.Harikumar and Associates

For Respondent : Mr.G.Kalyan Jhabakh,
for M/s.Surana & Surana

ORDER

This petition has been filed challenging the order passed in Crl.MP.No.9192 of 2019 in CC.No.1218 of 2016 dated 24.01.2020 on the file of the learned Metropolitan Magistrate, Fast Track Court at Magistrate Level IV, George Gown, Chennai, thereby dismissing the application filed under Section 91 Cr.P.C. to produce certain documents.

2. It is seen that the petitioners are accused persons. While cross examining PW1, he admitted to produce certain documents and as such the petitioners filed application under Section 91 Cr.P.C. to produce the documents which were admitted during the cross examination of PW1.

Resisting the same, the defacto complainant filed counter affidavit and also additional counter affidavit and stated as follows:

> "The Additional Counter filed by the complainant stating that the documents which are sought by the accused to be produced are not relevant to this case. However, complainant agreed to produce the following documents:
>
> 1. Income Tax Returns for Accounting year 2015-2016
> 2. Income Tax Returns for Accounting year 2016-2017
> 3. Income Tax Returns (HUF) for Accounting year 2017-18
> 4. Income Tax Returns for Accounting year 2018-19
> 5. Income Tax Returns for Accounting year 2019-20
> 6. Ledger Account from 01.04.2014 to 24.08.2019
> 7. Letter from the Accused to the Complainant dated 30.11.2015
> 8. Letter from the first accused to the complainant dated 27.08.2014"

After filing additional counter affidavit also prayed to allow the petition insofar as the documents mentioned in paragraph 4 of the affidavit and he is ready and willing to produce before the trial court. Even then, the trial court dismissed the application.

3.Now, the learned counsel for the respondent submitted that the respondent is ready and willing to produce those documents.

4.Considering the above facts and circumstances of the case, the petition in Crl.MP.No.9192 of 2019 in CC.No.1218 of 2016 on the file of the learned Metropolitan Magistrate, Fast Track Court at Magistrate Level IV, George Town, Chennai is allowed insofar as the documents mentioned in the additional counter affidavit in paragraph No.4 alone, and insofar as the other documents are concerned, the order passed by the trial court is confirmed. Further, considering the case is of the year 2016, the trial court is directed to complete the trial within a period of three months from the date of receipt of copy of this order.

5.With the above direction, this criminal original petition is partly allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

lok

To

The Metropolitan Magistrate,
Fast Track Court at Magistrate Level IV,
George Town, Chennai1.

+1cc to M/s.Surana & Surana, Advocate SR.No.21546

Crl.O.P.No.5623 of 2020

GJ II(CO)
GMY(13/03/2020)