

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Crl.O.P.No.18607 of 2020
and
Crl.M.P.No.7292 of 2020

Gopal

...

Petitioner

Vs.

Chinnasamy

....

Respondent

Prayer: The Criminal Original Petition has been filed under Section 482 CR.P.C to call for the records in CC No.397 of 2016 on the file of the Judicial Magistrate No.1, Namakkal and set aside the order dated on 07.07.2020 in CMP.No.1041 of 2020 in CC.No.397 of 2016 on the file of the Judicial Magistrate No.1, Namakkal and allow the said petition.

For Petitioner

: Mr.S.Kalyanaraman

ORDER

Assailing the order dated 07.07.2020 passed in CMP.No.1041 of 2020 in C.C.No.397 of 2016 on the file of the Judicial Magistrate Court No.1, Namakkal, the criminal original petition has been preferred by the petitioner/accused.

2.The complaint has been lodged by the respondent against the petitioner under Section 138 of the Negotiable Instrument Act and the same is pending in C.C.No.397 of 2016 on the file of the Judicial Magistrate Court No.I, Namakkal. Pending trial, it is found that the petitioner has preferred an application under Section 91 CR.P.C seeking for a direction to the respondent to produce the documents enumerated in the petition.

3.The respondent resisted the abovesaid petition by filing a counter contending that the documents sought for by the petitioner have nothing to do with the cheque involved in the calender case and they are totally alien to the subject matter of the calender case and only with a view to delay the proceedings, the petition has been preferred by the petitioner and sought for the dismissal of the same.

4.The Court below, on appreciation of the rival contentions put forth by the respective parties, was pleased to dismiss the petition. Aggrieved over the same, the present criminal original petition has been laid.

5. On a reading of the petition sought for by the petitioner, it is found that the documents called for by him are with reference to the loan documents concerning the firms Velmurugan Finance and Sri Aksaya Finance and when the said documents are not in any way personally connected with the respondent in his individual capacity, in such view of the matter, as rightly held by the Court below, by summoning those documents, the endeavour of the petitioner to compare the signature of the respondent with the disputed document involved in the calender case as such cannot be countenanced. Further more, the documents called for by the petitioner are ranging from 2007 to 2016 and when they are totally found to be not in any way connected with the cheque involved in the calender case, the case projected by the petitioner that the said documents would be useful to compare the signature with reference to the letter disputed by the respondent, as rightly held by the Court below would not serve the purpose and therefore, the Court below for proper and correct reasons, has rightly dismissed the petition preferred by the petitioner.

For the aforestated reasons, I do not find any infirmity or error in the impugned order. Resultantly, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
sms

24.11.2020

To

- 1.The Judicial Magistrate No.1,
Namakkal.
- 2.The Public Prosecutor,
High Court, Madras.



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T.RAVINDRAN,J.

sms



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