

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.08.2020

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

Crl.O.P.No.27693 of 2019

&

Crl.MP.No.14772 of 2019

1.Venus Traders

A Partnership Firm,
No.49, Raja Street,
Shanthi Nagar, Madurai - 625 018.

2.C.Nedunchezhliyan,

Partner of Venus Traders,
49, Raja Street,
Shanthi Nagar, Madurai - 625 018.

.... Petitioner

Vs.

Indo Bogher Agrochemicals,
Represented by its Power of Attorney,
Mr.D.Kannan S/o.Duriaraju,
243/3, Duraisami Nagar,
Pallapatty, Salem - 9.

....Respondent

Prayer: Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to set aside the order dated 28.08.2019 passed by the Learned Special Judicial Magistrate for Land Grabbing Cases, Salem in C.M.P.No.2550 of 2019 in S.T.C.No.199 of 2018.

For Petitioner : Mr.A.Sri Ram

For Respondent : Mr.D.Shivakumaran

ORDER

Challenge in this criminal original petition is made to the order dated 28.08.2019 passed in C.M.P.No.2550 of 2019 in S.T.C.No.199 of 2018 on the file of the Special Judicial Magistrate for Land Grabbing Cases, Salem.

2.C.M.P.No.2550 of 2019 has been preferred by the petitioner/accused seeking to recall DW2 for the purpose of marking the stop payment letter.

3.The abovesaid petition has been resisted by the complainant contending that the petition has been preferred only to protract the proceedings and the cheques concerned in the matter are not involved in the letter of stop payment issued by the accused to the bank and therefore, the petition preferred by the accused seeking to produce the stop payment letter through DW2 would serve no purpose and prayed for the dismissal of the petition.

4.The Court below, on an appreciation of the rival submissions and on perusal of the records noting that inasmuch as Ex.X4 reflects the steps taken by the bank based on the letter dated 16.08.2016, opined that to evidence stop payment instructions, DW2 need not be recalled and resultantly, dismissed the petition.

5.It is represented that already this Court has directed the Court below to conclude the trial within particular period of time. Further more, as rightly held by the Court below, when the document already exhibited in the matter reflects the stop payment instructions of the concerned cheques, therefore, the endeavour of the accused to exhibit stop payment letter through DW2, as such, would serve no purpose and in such view of the matter, the Court below is found to be justified in not entertaining the petition preferred by the petitioner/accused to recall DW2. I do not find any infirmity or error in the impugned order of the Court below. Resultantly, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

To:

1.The Learned Special Judicial Magistrate
for Land Grabbing Cases, Salem.

+1cc to Mr.D.Shivakumar, Advocate, S.R.No.26296/2020

Cr1.O.P.No.27693 of 2019
&
Cr1.MP.No.14772 of 2019

SSV(CO)
RV(27/08/2020)