

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 17256 of 2017
and
Crl.M.P.No. 10589 of 2017

Gnanasekar

...Petitioner/Accused

Vs.

Lakshmi

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order dated 04.03.2017 passed in C.M.P. No.5911 of 2015 filed in S.T.C.No.82 of 2014 by the Judicial Magistrate, Sathyamangalam.

For Petitioner : Mr.R.P.Murugan Raja
For Respondent : Mr.R.Vijayan

ORDER

This petition has been filed to set aside the order dated 04.03.2017 passed in C.M.P. No.5911 of 2015 filed in S.T.C.No.82 of 2014 by the learned Judicial Magistrate, Sathayamangalam.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. It is seen that the petitioner is an accused in S.T.C No.82 of 2014 arising out of the offences punishable under Sections 138 and 142 of Negotiable Instruments Act and the same is pending trial from the year 2015. The petitioner filed an application seeking to invoke Section 91 of Cr.P.C and prayed the trial Court to direct the Economic Offence Wing EOW, Coimbatore to produce the documents relating to the deposits made by the petitioner, his wife with the finance company by name M/s.Good Aaim Finance Company. Further the case of the petitioner is that the said finance company was closed without repaying the amount deposited by the petitioner as well as by the complainant. There are also so many complaints in respect of non returning deposit amount. Therefore the respondent/

complainant had approached the petitioner for return of the amount. By that time the respondent/complainant trespassed in the house of the petitioner and stolen the cheque. Hence the complaint.

4. It is seen that the petitioner never replied to notice, hence, statutory notice was issued by the respondent/complainant herein. Further he did not lodge any complaint before the police authority in respect of stolen of cheque involved in the said complainant. Therefore the learned trial Judge, dismissed the petition filed under Section 91 of Cr.P.C.

5. In view of the above discussions, this Court finds no illegality or infirmity in the order passed by the Court below. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)MDU

//True Copy//

Sub Assistant Registrar

ebsi

To

1. The Judicial Magistrate,
Sathyamangalam.

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BP (CO)
KKV/24/09/2020

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