

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

CrI.O.P.No.32143 of 2019
and CrI.M.P.No.17679 of 2019

1. Imtiaz H.A.Sattar,
Authorized Signatory
M/s.Sha Enterprises.
2. Jitesh Ganatra,
M/s. Sha Enterprises.
#3/3, Building No.6,
Next to Cauvery Tank,
Kodichikkanananahali,
Bommanahalli,
Bangalore - 560 068. ... Petitioners/Respondents/Accused

Vs

M/s. Ashok Tex,
A Partnership Firm,
Rep. by its Partner
H. Ashok Kumar,
S/o. Hastimal,
No.56, Sankari Main Road,
Annadanapetty,
Salem - 2. ... Respondent/Petitioner/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order dated 14.11.2019 passed in C.M.P.No.6370 of 2019 in S.T.C.No.1194 of 2019 on the file of the learned Judicial Magistrate Court No.III, Salem and to allow the Criminal Original Petition.

For Petitioners: Mr.C.Prabakaran

For Respondent : Mr.R.Nalliappan

ORDER

This Criminal Original Petition has been filed praying to set aside the order dated 14.11.2019 passed by the learned Judicial Magistrate No.III, Salem in C.M.P.No.6370 of 2019 in S.T.C.No.1194 of 2019.

2. Heard Mr.C.Prabakaran, learned counsel appearing for the petitioners, Mr.R.Nalliappan, learned counsel appearing for the respondent.

3. The petitioners are the accused in S.T.C.No.1194 of 2019 on the file of the learned Judicial Magistrate No.III, Salem. The said case has been filed by the respondent against the petitioners under Section 138 of Negotiable Instruments Act.

4. Before the trial Court when at the time of examination of the respondent in chief, he produced the original partnership deed and original registration certificate and the same have been marked as Ex.P.2 and Ex.P.3. After recording the chief examination, particularly after marking the documents, the respondent herein filed a miscellaneous petition in C.M.P.No.6370 of 2019 praying to return the Ex.P.2 and Ex.P.3 after substituting xerox copies of the said documents.

5. The learned Judicial Magistrate No.III, Salem after affording opportunity to the petitioners herein, by an order dated 14.11.2019, allowed the said petition and permitted the respondent to take those documents with an undertaking to produce the same whenever necessary. Only in the said circumstances, the petitioners are before this Court with a prayer to set aside the above mentioned order.

6. The main grievance addressed by the learned counsel appearing for the petitioners for allowing this original petition is that the original documents which have been marked as Ex.P.2 and Ex.P.3 are necessary for completing the cross examination of P.W.1. He would further submit that in the absence of those documents, the petitioners are unable to complete the cross examination.

7. On the other hand, the learned counsel appearing for the respondent concedes the prayer sought out by the petitioner and would submit that the respondent will produce the original documents at the time of cross examination.

8. Now on considering the rival submission made by the learned counsel on either side, since the respondent himself is ready to consider the prayer sought out by the petitioner, nothing survive for further adjudication. Further the learned Judicial Magistrate No.III, Salem is directed to dispose the petition mentioned case in S.T.C.No.1194 of 2019 within a period of four months from the date of receipt of copy of this order.

9. With the above directions, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rts

To

1.The Judicial Magistrate No.III,
Salem.

2.The Chief Judicial Magistrate,
Salem.

+1cc to Mr.C.Prabakaran, Advocate Sr.39880

Crl.O.P.No.32143 of 2019
and Crl.M.P.No.17679 of 2019

gj[co]
srg 07/01/2021



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