

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 33277 of 2019

and

CrI. M. P. No. 18353 of 2019

1.A.M.Leathers,
2.Afsal Ahmed,
S/o. Anwar Basha,
3.Adhil Ahmed,

...Petitioners

Vs

Jabrullah Basha,
S/o.Hamanullah,
No.332/148 C,
Jabrabath,
Vaniyambadi,
Vellore District

... Respondent

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, praying to set aside the order dated 01.10.2019 made in Cr.M.P.No.4488 of 2019 in STC.No.308 of 2018 on the file of Hon'ble Judicial magistrate at Vaniyambadi.

For Petitioner : No appearance

O R D E R

This petition has been filed seeking to set aside the order dated 01.10.2019 made in Cr.M.P.No.4488 of 2019 in STC.No.308 of 2018 on the file of learned Judicial Magistrate at Vaniyambadi

2. It is seen that the respondent had filed a complaint as against the petitioners for the offence under Section 138 of Negotiable Instruments Act in STC.No.308 of 2018. After examining P.W.1 viz., the complainant/respondent herein, it was adjourned for cross examination. Thereafter, he was cross examined and closed the evidence of complaint and posted the matter for defence witness. In fact, after questioning under Section 311 Cr.P.C, the matter was posted for defence witness and even then the petitioner did not produce the evidence. Therefore, the defence witness was closed. Thereafter, again the petitioner filed a petition under section 311 of Cr.P.C in

Cr1.M.P.No.3790 of 2019 for re-opening defence side evidence. Thereafter, the petitioner examined the Bank Manager as P.W.1 and immediately issued notice to produce documents to the respondent herein and filed the present petition under Section 91 of Cr.P.C to produce the following documents, that are sought for in the notice and produce:

1.Income Tax Returns filed by the complainant for the assessment years 2017-2018(01.04.2017 to 31.03.2018)

2.ICICI Bank statement of the Complainant for the year 2017-218

3.Documents for receipt of Rs.1,91,000/-

4.Documents for leather business of Rs.8,11,871/- to complainant and accused.

5.Documents belongs complainant to show his leather business ledger note for details of giving leathers sales details to the accused.

6.Pan card of the complainant.

7.Aadhaar card of the complainant.

All the above documents that are required to produce are no way connected with the complaint lodged by the respondent herein. Therefore, the learned Magistrate rightly dismissed the petition filed by the petitioner and closed. Therefore, this Court does not find any infirmity or illegality in the order passed by the learned Magistrate.

3. However, since the case is of the year 2013, the trial court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

4.With the above observation, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is also closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsn

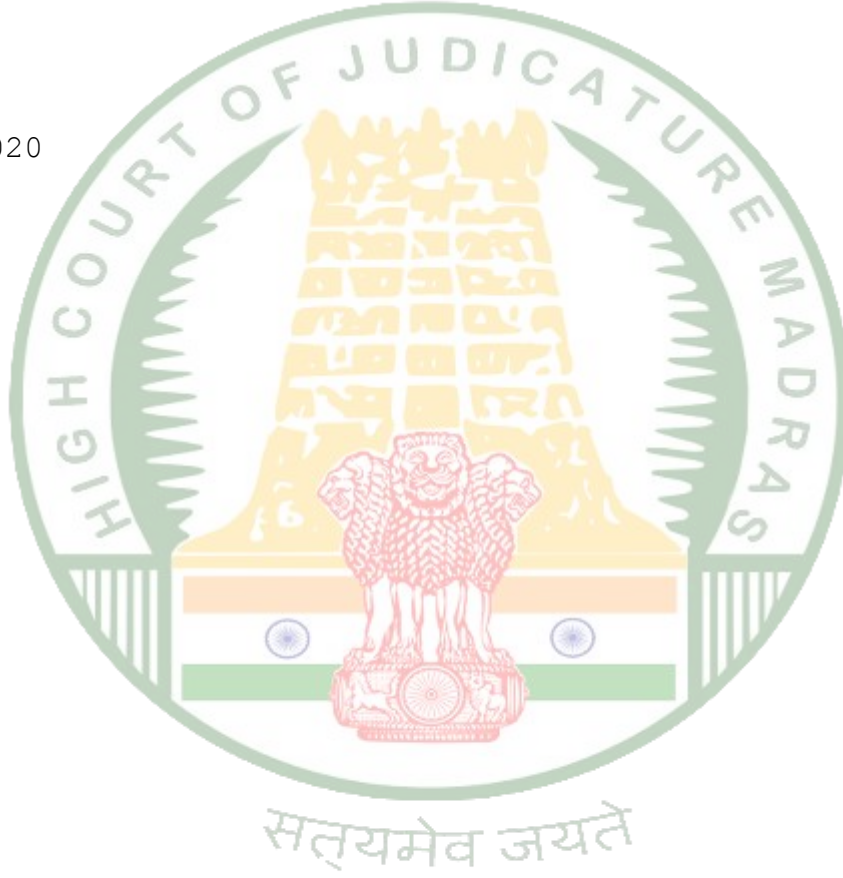
To

1.The Judicial magistrate, Vaniyambadi.

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.33277 of 2019
and
Crl.M.P.No.18353 of 2019

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