



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.4052 of 2018

And

Crl.M.P.Nos.1871 and 1872 of 2018

K.Kumar

... Petitioner

Vs.

G.Janakiraman

... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records in respect of the impugned order dt.11.01.2018 of the Hon'ble Fast Track Metropolitan Magistrate Court No.4, George Town at Chennai in Crl.M.P.No.9320 of 2017 in C.C.No.2666 of 2016 and set aside the same.

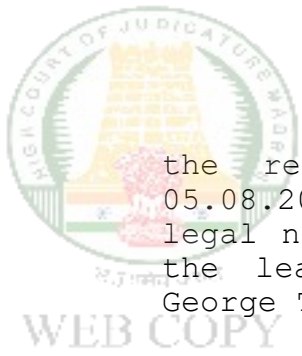
For Petitioner : Mr.A.Thirumaran

For Respondent : No Appearance

O R D E R

The petitioner had filed this petition seeking to call for the records in respect of the order dated 11.01.2018 passed by the learned Metropolitan Magistrate, Fast Track Court No.4, George Town at Chennai in Crl.M.P.No.9320 of 2017 in C.C.No.2666 of 2016 and to set aside the same.

2.The learned counsel appearing for the petitioner submits that the respondent alleges that the petitioner had borrowed a sum of Rs.3,02,400/- as handloan from the respondent on 22.06.2016 and to secure the said debt, the petitioner had issued a cheque bearing no.200893 dated 22.07.2016 drawn on Indian Overseas Bank as security and the said cheque when presented by the respondent for collection and realisation, was returned with endorsement 'exceeds arrangement'. Thereafter,



the respondent issued legal notice to the petitioner on 05.08.2016 and on non compliance of the stipulations of the legal notice, filed the complaint in C.C.No.2666 of 2016 before the learned Metropolitan Magistrate, Fast Track Court No.4, George Town at Chennai.

3.The learned counsel appearing for the petitioner further submits that the petitioner filed CrI.M.P.No.9320 of 2017 in C.C.No.2666 of 2016 under Section 91 of Cr.P.C., seeking to order the complainant/ respondent to produce his bank statements maintained with the Allahabad Bank, Tondiarpet Branch, Chennai from 01.04.2016 to 31.03.2017. The said petition was dismissed by the learned Metropolitan Magistrate, Fast Track Court No.4, George Town at Chennai. Challenging the same, the petitioner has filed this petition.

4.The learned counsel appearing for the petitioner further submits that during cross examination, the respondent himself admitted that he is having account in the Allahabad Bank, Tondiarpet Branch and agreed to produce his Bank statement, however, when the petitioner filed the petition under Section 91 of Cr.P.C., he filed a counter stating that his Bank records are his private information and the production of the same will be incriminating him and hence, he cannot be compelled to produce the said document.

5.There is no representation for the respondent.

6.No doubt, the cheque issued by the petitioner, when presented by the respondent for collection and realisation, was returned with endorsement 'exceeds arrangement'. Merely because the respondent has admitted that he is having account in the Allahabad Bank, Tondiarpet Branch, he cannot be directed to produce the Bank statement maintained by him in the said Bank. The Court has to consider whether the production of the document is necessary or desirable for the purpose of trial. Unless the production of a document is material for arriving at a just decision in the case, the respondent cannot be directed to produce the said document. The learned Metropolitan Magistrate, Fast Track Court No.4, George Town at Chennai has elaborately discussed the issue and has rightly dismissed the petition filed by the petitioner.

7.Hence, I am not inclined to interfere with the order dated 11.01.2018 passed by the learned Metropolitan Magistrate, Fast



Track Court No.4, George Town at Chennai in Crl.M.P.No.9320 of 2017 in C.C.No.2666 of 2016.

8.This criminal original petition is accordingly dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Metropolitan Magistrate,
Fast Track Court No.4,
George Town at Chennai
2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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PMK (CO)
K.RK. (22.07.2021)