



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.6210 of 2018
and
Crl.M.P.No.3118 of 2018

M/s.Selva Ganapathy Textiles,
rep.by its Partner R.G.Prabhuraam

..Petitioner

Vs.

P.Subramani
Proprietor of S.K.Textiles,
Chinnathottam, Alayampalayam,
Thakkalur PO,
Avinashi Taluk 641 654.

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and set aside the order dated 17.02.2018 in Crl.M.P.No.1931 of 2017 in S.T.C.No.1170/2015 and permit the petitioner to recall the complainant as PW1.

For Petitioner : Mr.N.Baaskaran

For Respondent : Mr.Balakrishnan for Mr.C.Ramkumar

O R D E R

This petition has been filed to call for the records and set aside the order dated 17.02.2018 in Crl.M.P.No.1931 of 2017 in S.T.C.No.1170/2015 and permit the petitioner to recall the complainant as PW1.

2. The case of the petitioner is that the petitioner / defacto complainant for dishonoring of cheques to the tune of



Rs.3,00,000/-, filed a complaint under Section 138 of the Negotiable Instrument Act. During the course of trial, the petitioner has filed a petition under Section 311 Cr.P.C in C.M.P.No.1931 of 2017, to recall the complainant the PW1 for the purpose of marking the acknowledgments of the Commercial Tax Department and the Income Tax Returns during the years 2014, 2015-2016 and 2016-2017 and the said petition was dismissed. Challenging the same, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that though the Trial Court did not suspect the genuineness of the documents, the said application was dismissed on the ground that the petitioner has filed the application in order to protract the proceedings. However this Court may fix out a time limit for the purpose of marking the documents and thereafter, the Trial Court may consider the matter elaborately and pass appropriate orders and further he submitted that marking these documents by the petitioner will not cause prejudice to the respondent.

4. The learned counsel appearing for the respondent submitted that this Court may permit the petitioner to mark the documents, however, this Court may fix time limit for early disposal of the proceedings pending before the Trial Court.

5. In view of the consent view expressed by the learned counsel on either side, this Court is inclined to quash the order in Crl.M.P.No.1931 of 2017 by permitting the petitioner to mark the documents as mentioned by the petitioner.

6. Accordingly, This Criminal Original Petition is allowed and the order dated 17.02.2018, made in Crl.M.P.NO.1931 of 2017 in S.T.C.No.1170 of 2015, on the file of the Judicial Magistrate No.I, Pollachi, is quashed and the Trial Court shall permit petitioner to recall P.W.1 to mark the following documents through P.W.1, within a period of two weeks from the date of receipt of a copy of this order:

''List of Documents

- 1.Acknowledgment of the Commercial Tax Department for the month of June 2014.
- 2.Acknowledgment of the Commercial Tax Department for the month of July 2014.
- 3.Acknowledgment of the Commercial Tax Department for the month of August 2014.
- 4.Acknowledgment of the Commercial Tax Department for the month of September 2014
- 5.2015-2016 Income Tax Return Acknowledgment
- 6.2016-2017 Income Tax Return Acknowledgment.''



and thereafter, the Trial Court may complete the trial within a period of three months from the date of marking of the above said documents. Consequently connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.I,
Pollachi.
2. The Public Prosecutor,
High Court, Madras.

+lcc to M/s.N.Baaskaran, Advocate, S.R.No.36797

Cr1.O.P.No.6210 of 2018
and
Cr1.M.P.No.3118 of 2018

RP(CO)
RGA(27/10/2021)