



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2021

CORAM :

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P.NO.9406 OF 2016

AND

CRL.M.P.NO.4853 OF 2016

Laxshimipathi

...Petitioner / Accused

Versus

M/s. Gokulam Chits Funds & Finance Private Limited,
Represented by its Legal Assistant,
K. Satheesh Kumar,
Sri Gokulam Towers,
No. 66, Arcot Road,
Chennai - 600 026.

...Respondent / Complainant

Prayer : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order in Crl.M.P.No. 328 of 2016 in C.C.No.12167 of 2007, dated 28.03.2016 on the file of Metropolitan Magistrate [Fast Track Court-IV], George Town, Chennai-600 001.

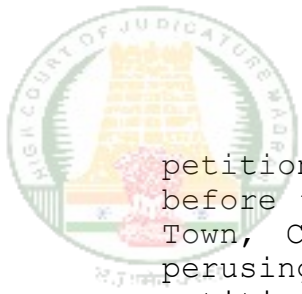
For Petitioner : Mr.P.Palaninathan

Respondent : Served- Name Printed
No Appearance

O R D E R

This petition has been filed seeking to set aside the impugned order passed in Crl.M.P.No.328 of 2016 in C.C.No.12167 of 2007, dated 28.03.2016 by the learned Metropolitan Magistrate [Fast Track Court-IV], George Town, Chennai-600 001, thereby dismissing Crl.M.P.No.328 of 2016 was filed by the petitioner/accused under Section 91 of Cr.P.C., for the production of documents under the custody of the respondent/complainant.

2. The case of the respondent/complainant filed a complaint under Section 200 of CrPC against the petitioner/accused herein for an offence under Section 138 of the Negotiable Instruments Act, 1881. During the pendency of C.C.No.12167 of 2007, the



petitioner/accused filed a petition in CrI.M.P.No.328 of 2016 before the Metropolitan Magistrate [Fast Track Court-IV], George Town, Chennai-1 to produce the documents sought by him. After perusing the records, the Court below dismissed the said petition. Aggrieved by the same, the petitioner/accused has filed the present petition to set aside the order in CrI.M.P.No.328 of 2016 passed by the learned Metropolitan Magistrate [Fast Track Court-IV], George Town, Chennai, dated 28.03.2016.

3. On perusal of the records, it is seen that the petitioner is the accused in C.C.No.12167 of 2007 on the file of Metropolitan Magistrate [Fast Track Court-IV], George Town, Chennai-600 001. It is also seen that the respondent/complainant filed a complaint under Section 200 CrPC., against the petitioner/accused for the offence under Section 138 of the Negotiable Instruments Act, 1881. During the pendency of the said calendar case in C.C.No.12167 of 2007, the petitioner/accused has filed a petition in CrI.M.P.No.328 of 2016 before the Metropolitan Magistrate [Fast Track Court-IV], George Town, Chennai to produce certain documents to let in evidence. After perusing the documents, the Court below dismissed the said petition dated 28.03.2016 on the ground that the documents had already been filed to let in evidence on the side of the respondent/complainant. Aggrieved by the same, the petitioner/accused filed the present petition. It is also seen that the documents sought for by the petitioner have already been produced before the Court below to let in evidence and prove his case. Therefore, the prayer sought for by the petitioner cannot be granted by this Court and the same is not maintainable.

4. Considering the above facts and circumstances of the case, this Court finds no infirmity or irregularity in the order passed by the learned Metropolitan Magistrate [Fast Track Court-IV] George Town, Chennai, in CrI.M.P.No. 328 of 2016 in C.C.No. 12167 of 2007, dated 28.03.2016. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

msm



To

The Metropolitan Magistrate
[Fast Track Court-IV],
George Town, Chennai-600 001.

WEB COPY

+1cc to Mr.P.Palaninathan, Advocate SR.No.38966

Cr1.O.P.No.9406 of 2016

SRA (CO)
RVM(20/01/2022)