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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No. 1824 of 2018

S. Seyed Ahamed

... Petitioner/Accused

Vs.

D. Ravikumar

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to set aside the order passed by the Revisional Court in Criminal R.C.No.25 of 2017 on the file of Principal Sessions Court, Chennai dated 07.12.2017 confirming the order in Crl.M.P.No.2096 of 2017 in C.C.No.1945 of 2015 dated 18.08.2017 passed by the Metropolitan Magistrate Court, Fast Track Court No.II, Egmore, Chennai.

For Petitioner : M/s. Siddiqui Alli

For Respondent : Mr.S.Murugan

O R D E R

This petition has been filed challenging the order passed by the Court below in Crl.R.C.No.25 of 2017 wherein the order passed by the Metropolitan Magistrate Court in Crl.M.P.No.2096 of 2017 was confirmed.

2. The petitioner is facing trial before the Court below for offence under Section 138 of the Negotiable Instruments Act. The case was at the stage of evidence on the side of defence. The petitioner filed an application under Section 254 (2) of the Code of criminal proceedings to summon a witness. This application was dismissed by the trial Court and it was also confirmed in the revision. Aggrieved by the same the present petition has been filed before this Court.

3. It is seen from records that the complaint was filed in the year 2014 which involves two cheque transactions and both the transactions were only between the petitioner and the respondent herein. It is stated that a car was purchased by the petitioner for a sum of Rs.5 lakhs and the petitioner had issued



cheques for a sum of Rs.1,20,000/- and these cheques got dishonoured when it was deposited. For this purpose the petitioner wanted to examine his wife as a defence witness and therefore filed an application to summon her as a witness.

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4. Both the Courts have given cogent reasons for the dismissal of the application and this Court does not find any illegality or infirmity in the order and it does not require any interference. In the result this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.1945 of 2015 within a period of two months from the date of receipt of a copy of the order, if it has not already been concluded.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Principal Sessions Court,
Chennai.
2. The Metropolitan Magistrate Court,
Fast Track Court No.II, Egmore,
Chennai.

Cr1.O.P.No.1824 of 2018

VGII (CO)
NRA(17/02/2021)