



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.17895 OF 2021

AND

CRL.M.P.NO.9833 OF 2021

Amudha Rani

... Petitioner

.Vs.

Palaniswamy

... Respondent

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed in C.M.P.No.550 of 2021 in STC.No.1173 of 2019 dated 21.04.2021 on the file of the Judicial Magistrate No.I, Sangagiri.

For Petitioner : Mr.T.Muruganantham

ORDER

This petition has been filed to set aside the order passed in C.M.P.No.550 of 2021 in STC.No.1173 of 2019 dated 21.04.2021 on the file of the Judicial Magistrate No.I, Sangagiri.

2. The petitioner/accused, who is facing trial, for the offence under Section 138 of the Negotiable Instruments Act in STC.No.1173 of 2019, has filed a petition under Section 91 of Cr.P.C., in CMP.No.550 of 2021 to summon the Sub-Inspector of Police, Edapadi Police Station and to produce the enquiry report made on his earlier complaint that the respondent received excess interest in the year 2013. The Lower Court dismissed the said petition stating that the petitioner had already filed a petition under Section 91 Cr.P.C., wherein he had not stated anything about the informations given in this petition. Further, he has not stated the reason for not mentioning those documents relied in this petition. Hence, this petition is filed only to drag on the proceedings.



3. Considering the same and perused the materials, it is seen that the petitioner has already in possession of the complaint and enquiry report of the Edapadi Police Station.

4. In view of the same, the petitioner shall submit the documents under Section 313 of Cr.P.C., when he is examined or mark as defense documents. If the petitioner intends to examine himself under Section 315 Cr.P.C., as defense witness, the Lower Court shall consider the same.

5. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Judicial Magistrate No.I,
Sangagiri.
2. -do- Thro The Chief Judicial Magistrate,
Salem.

+lcc to Mr.T.Muruganantham, Advocate, S.R.No.51846

CRL.O.P.NO.17895 OF 2021 AND
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KSM(CO)
PBS/02/11/2021
PBS/16/11/2021