



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2021

CORAM

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Crl.O.P.No. 17938 of 2017
and
Crl.M.P.No.10952 of 2017

M.Murugan

... Petitioner

Versus

M/s. IDS Financial Services,
Rep. by its alleged Power Agent/
Manager Sri.J. Vasantha Kumar
No.34, Muniappan Street,
Kondithope, Chennai - 600 079.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order in Crl.M.P.No.4162 of 2017 in C.C.No.613 of 2014, dated 05.07.2017 on the file of Metropolitan Magistrate [Fast Track Court-IV], George Town, Chennai-600 001.

For Petitioner : Mr.B.R. Shankaralingam

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. 4162 of 2017 in C.C.No.613 of 2014, dated 05.07.2017 by the learned Metropolitan Magistrate [Fast Track Court-IV], George Town, Chennai-600 001, thereby Crl.M.P.No. 613 of 2014 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 the offence under Section 138 of the Negotiable Instruments Act, 1881. During the pendency of C.C.No.613 of 2014, the petitioner/accused filed a petition in Crl.M.P.No.4162 of 2017 before the Metropolitan Magistrate [Fast Track Court-IV], George Town, Chennai-1 to produce the



documents sought by the petitioner. After perusing the records, the Court below ordered on 05.07.2017, wherein, it has been observed "that the respondent/complainant shall be directed to produce the book containing relevant entries of advancement of loan of Rs.1,20,000/- to the accused on 08.01.2013 in their day book and cash book along with the xerox copies of the relevant pages so as to enable the court to compare teh same and to mark the copy without retaining the voluminous books in the case records. As the above would sub serve the purpose of the defence". Aggrieved by the same, the petitioner/accused has filed the present petition to set aside the order in Crl.M.P.No.4162 of 2017 passed by the learned Metropolitan Magistrate [Fast Track Court-IV], George Town, Chennai, dated 05.07.2017.

3. On perusal of the records, it is seen that the petitioner is the accused in C.C.No.613 of 2014 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, the petitioner/accused has filed a petition in Crl.M.P.No. 4162 of 2017 before the Metropolitan Magistrate [Fast Track Court-IV], George Town, Chennai to produce certain documents, namely, Cash Book, Day Book, Independent audit report of the Income Tax Assessment for the year 2010 to 2014 to prove his case before the Court below. After perusing the records, the Court below ordered on 05.07.2017. Aggrieved by the same, the petitioner/accused filed the present petition. It is also seen that the respondent/complainant have already been directed to produce the said documents sought by the petitioner/accused before the Court below to prove his case. Therefore, now, the prayer sought 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 Crl.M.P.No. 4162 of 2017 in C.C.No. 613 of 2014, dated 05.07.20147. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar



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

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No. 17938 of 2017

NRL (CO)
PR (19/01/2022)