



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2021

CORAM :

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

Crl.OP.(MD)No.3610 of 2021

S.Shakila ... Petitioner/Accused

Vs.

N.Radhakrishnan ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the Orders dated 09.02.2021 passed in Cr.M.P.No.43 of 2021 in C.C.No.37 of 2018 by the Judicial Magistrate, Fast Track Court (Magisterial level), Kovilpatti.

For Petitioner : Mr.S.Srinivasa Ragavan

ORDER

The present petition has been filed to set aside the Orders dated 09.02.2021 passed by the Judicial Magistrate, Fast Track Court (Magisterial level), Kovilpatti, in Cr.M.P.No.43 of 2021 in C.C.No.37 of 2018.

2. The petitioner is the accused in C.C.No.37 of 2018, which is filed by the respondent / complainant for the offence punishable under Section 138 of the Negotiable Instruments Act. During the course of trial, the petitioner / accused filed a petition under Section 91 of the Code of Criminal Procedure seeking to direct the respondent / complainant to produce certain documents. The learned Judicial Magistrate, dismissed the said petition and aggrieved over the same, the present petition is filed.

3. Perusal of the orders passed by the Judicial Magistrate, Fast Track Court (Magisterial level), Kovilpatti, shows that document Nos.1 to 6, which are e-mail communication, could be filed by the petitioner/ accused himself after downloading the same and therefore, it is not necessary to direct the respondent / complainant to file those documents. As far as the other documents are concerned, the following observations are made by the learned Judicial Magistrate :

- 1) Even according to the petitioner/ accused, the petitioner admitted in her reply notice that there was no transaction between her and the respondent/



complainant during the year 2016, 2017 and 2018 and therefore, those documents are not necessary for the just decision of the case.

2. The petitioner / accused also did not say anything about document Nos.4, 5 and 6, either in his complaint or during the cross-examination of the complainant and therefore, it cannot be held that all the three documents are necessary for the case.

3.The rest of the documents are not in possession of the respondent / complainant.

4.The petitioner / accused did not appear before Court and therefore, Non Bailable Warrant was issued against her. Subsequently, on the directions issued by the Madurai Bench of Madras High Court, Non Bailable Warrant was recalled and therefore, the C.C.No.37 of 2018 is posted for arguments.

5.At a belated stage, the petitioner / accused has filed the present petition under Section 91 of the Code of Criminal Procedure and the same is only to protract the proceedings.

4.The learned Judicial Magistrate, Fast Track Court (Magisterial level), Kovilpatti, has passed a well considered order and there is no good ground to interfere with the orders passed by the learned Judicial Magistrate, Fast Track Court (Magisterial level), Kovilpatti.

5.Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

The Judicial Magistrate,
Fast Track Court (Magisterial level),
Kovilpatti, Tuticorin District.

CrI.OP.(MD)No.3610 of 2021
08.03.2021

ES (CO)
TR(31.03.2021) 3P 2C