



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.09.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**

Crl.O.P. (MD)No.13046 of 2021

and

Crl.M.P. (MD)No.6705 of 2021

1.Gowtham Chandran

2.Athrija Gowtham

... Petitioners/Petitioners/Accused 1&2

Vs.

Klinton

...Respondent/ Respondent/ Complainant

PRAYER: Criminal Original Petition is filed Under Section 482 Cr.P.c to call for the records passed by the learned District Munsif Cum Judicial Magistrate, Ilayangudi dated 13.07.2021 in Crl.M.P.No.946 of 2021 in S.T.C.No.79 of 2019 and set aside the same.

For Petitioners : M/s.M.Padmavathy

ORDER

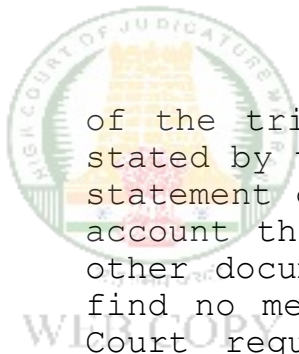
This petition is filed seeking to set aside the order passed by the learned District Munsif Cum Judicial Magistrate, Ilayangudi dated 13.07.2021 in Crl.M.P.No.946 of 2021 in S.T.C.No.79 of 2019.

2.The petitioners are facing trial for the offence punishable under Section 138 of Negotiable Instruments Act before the trial Court. During the pendency of the trial proceedings, the petitioners filed an application under Section 91 of Cr.P.C. seeking production of some documents, which has been mentioned in the petition. The trial Court after considering the materials on record and after hearing the parties dismissed the same observing that if the statement of the accounts of the petitioners is produced it will indicate from whose account the amount has been transferred. So, challenging the correctness of this finding, this petition came to be filed.

3.The learned counsel appearing for the petitioners would submit that even though the petitioners produced the statements of the accounts to identify the parties, the other documents, which are on the custody of the bank, have to be produced and moreover, one Denisdon, who is the brother of the complainant, is not under his control.

<https://hcservices.ecourts.gov.in/hcservices/>

4.However, whatever may be the arguments advanced by the learned counsel for the petitioners, on going through the findings



of the trial Court, I am of the considered view that the reasons stated by the trial Court are found to be accepting. Even though the statement of the accounts is produced that will indicate from whose account the money has been transferred to identify the person, the other documents are not relevant for considering this issue. So, I find no merits in this petition and the order passed by the trial Court requires no interference as it does not suffer from any illegality or irregularity.

5.In view of the above, this petition deserves to be dismissed and accordingly, the same stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mm

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 District Munsif Cum Judicial Magistrate,
Ilayangudi.

CrI.O.P. (MD)No.13046 of 2021

07.09.2021

RD(27.09.2021) 2P 2C