



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.19973 of 2021

M.Kayalvizhi

... Petitioner

Vs.

M.Muthuraja

... Respondent

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and to set aside the order passed in Cr.M.P.No.1171 of 2021 in S.T.C.No.699 of 2016 dated 12.11.2021 on the file of the Judicial Magistrate No.II (Fast Track Court), Madurai and allow the petition.

For Petitioner : R.Narayanan

O R D E R

Heard the learned counsel for the petitioner.

2.The petitioner is facing trial in S.T.C.No.699 of 2016 on the file of the Judicial Magistrate No.II, Fast Track Court, Madurai. It is a case arising under Section 138 of the Negotiable Instruments Act. The complainant had filed a civil suit also apart from the impugned complaint. In the said civil suit, the original cheque had been marked. The complainant had filed only the photocopy of the cheque and the complainant wants to mark the certified copy of the cheque, that has been filed in the suit.

3.With this object in view, he filed Cr.M.P.No.1171 of 2021 for its recall. The said petition was allowed by the Court below on 12.11.2021. This order is challenged in this criminal original petition.

4.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds.

5.When the Court below has exercised its discretion in favour of the complainant after taking into account Section 63 and clause (f) of Section 65 of the Indian Evidence Act, I am of the view that no interference is called for. The contentions of the petitioner as regards the admissibility or otherwise of the evidence is left open.



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6.This criminal original petition is dismissed accordingly.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

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 No.II,
Fast Track Court,
Madurai.

+1 CC to M/s.N.JULIET LATHA, Advocate (SR-39148[F] dated 16/12/2021)

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