



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Crl.O.P.No.13823 of 2022
and Crl.M.P.No.7486 of 2022

V.Vairamuthu

...Petitioner

Vs.

T.Jayasankar
Proprietor
M/s.Kavin Match Traders
Reddiarpattai
Ilayarampannai Pot
Sathur Taluk 626201

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the Crl.M.P.No.12212 of 2021 in C.C.No.1718 of 2015 on the file of VII Metropolitan Magistrate, George Town, Chennai and allow the same.

For Petitioner : Mr.R.Subramanian

ORDER

This Criminal Original Petition has been filed challenging the dismissal order passed by the learned VII Metropolitan Magistrate, George Town, Chennai in Crl.M.P.No.12212 of 2021 in C.C.No.1718 of 2015 filed u/s.91 of Cr.P.C.

2.Heard the learned counsel appearing for the petitioner.

3.At the outset, I do not find any infirmity in the dismissal order passed by the trial Court by invoking u/s.91 of Cr.P.C. Either the Court, or officer in charge of a police station considers that the production of any document or other evidence is necessary or desirable for the purposes of any investigation, enquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it at the time and place stated in the summons or order but in



the present case the concern of the petitioner is that till date nothing is produced to the Court to prove the plea of discharge.

4. In such view of the matter, the petition filed u/s.91 Cr.P.C will not serve any purpose to the petitioner as it is for the petitioner to take summons to the concerned bank officer to produce necessary statement to give evidence in that regard. Therefore, the proper course for the petitioner is to file an appropriate petition before the trial Court for summoning the bank officials along with documents and evidence with regard to the facts found in the bank statement.

5. Accordingly, the petitioner is advised to file such petition before the trial Court. If any such application is filed by the petitioner, the trial Court shall consider and permit the petitioner to summon the concerned bank official to produce the documents to prove his plea of discharge. The trial Court shall fix a specific date for such examination. If the petitioner so desires to file such petition, the same shall be filed within a period of one (1) week from the date of receipt of a copy of this order.

6. With the above observation, the Criminal Original Petition stands disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The VII Metropolitan Magistrate,
George Town,
Chennai - 600 001.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Subramanian, Advocate SR. No. 36710

Cr1.O.P.No.13823 of 2022
and Cr1.M.P.No.7486 of 2022

JPL (CO)
PR (29/06/2022)