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Crl.R.C.No.1233 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2022

CORAM

THE HON'BLE Dr.JUSTICE G.JAYACHANDRAN

Crl.R.C.No.1233 of 2017

and

Crl.M.P.No.11817 of 2017

Gandhi Gowri Lakshmi

... Petitioner

-Vs.-

N.Sivaraj

.. Respondent

Criminal Revision Petition filed under Section 397 read with 401 of Code of Criminal Procedure to set aside the order in C.M.P.No.4893 of 2017 dated 29.08.2017 passed by the learned Fast Track, Magisterial Level No.II, Poonamallee, Thiruvallur District, in so far as the petitioner is concerned.

For Petitioner : Mr.S.Namasivayam

For Respondent : Mr.J.Jawahar

ORDER

This Criminal Revision Case has been filed to set aside the order in C.M.P.No.4893 of 2017 dated 29.08.2017 passed by the learned Fast Track, Magisterial Level No.II, Poonamallee, Thiruvallur District.



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2. The case of the petitioner herein, who is accused in S.T.C.No.201 of 2016, is that he had filed a petition under Section 254 of Cr.P.C., seeking leave of the Court to cause summon to the proposed witnesses, who are the Bank Managers of Indian Overseas Bank, Poonamallee and Pandiyan Grama Bank, Arumuganeri Branch, Tuticorin District and the Sub-Inspector of Police, Athur, Tuticorin District. The Managers of the two banks are from the banks where the payee and payer maintain their accounts and the Sub-Inspector of police, sought to be summoned, is the Investigating Officer of the complainant in Crime No.100 of 2015 against one Muthiah Pandiyan for demanding exorbitant interest. The said petition has been dismissed by the Court below. Being aggrieved by the dismissal of the said petition, this present revision petition has been filed.

3. When the matter was posted for defence side witness, the Court below had considered the said petition to summon, which are bereft of details and reason to examine the proposed witnesses and had dismissed the same, stating that to prove the complaint against Muthiah Pandiyan, the examination of the Investigating Officer is not required and as the memo indicates that the accounts were closed, the examination of



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Bankers is also not required. So having failed to establish sufficient cause for summons to the proposed witnesses to decide the offence under Section 138 of Negotiable Instruments Act, the petition filed to summon the witnesses on the fag end of the trial is unwarranted.

4. This Court, on perusing the impugned order and the grounds raised in the revision petition, finds that there is no error in the conclusion of the trial Court in dismissing the petition to summon. Accordingly, this Criminal Revision Petition is dismissed as devoid of merits. Consequently, connected miscellaneous petition is also closed.

12.10.2022

Speaking/Non-speaking order

Index: Yes/No

Internet : Yes/No

nsa



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To
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- 1.The Fast Track, Magisterial Level No.II,
Poonamallee, Thiruvallur District
- 2.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN.J.,

nsa

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