



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 21.06.2022

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.R.C. (MD).No.257 of 2022

and

CRL.M.P. (MD)No.3433 of 2022

Janab M.Jarina Begum

: Petitioner /Accused

Vs.

S.Govindarajan

: Respondent/Complainant

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C, to set aside the order passed in Crl.M.P.No.306 of 2021 in S.T.C.No.77 of 2019 on the file of the Fast Track Court at Magisterial Level, Thanjavur, dated 29.09.2021 and allow this revision.

For Petitioner : Mr.Suresh Kumar, M.S.

For Respondents : Mr.A.Arun Prasad

ORDER

The Criminal Revision Case is directed against the order passed in Crl.M.P.No.306 of 2021 in S.T.C.No.77 of 2019, dated 29.09.202, by the learned Judicial Magistrate, Fast Track Court , Thanjavur, dismissing the petition filed under Section 91 Cr.P.C.

2.The respondent has filed a private complaint under Section 200 Cr.P.C., against the petitioner/accused for the offence under Sections 138 of Negotiable Instruments Act.

3.It is not in dispute that the trial was already completed and the case stands posted for arguments. At that stage, the petitioner has filed an application under Section 91 Cr.P.C, seeking orders for issuance of summons to the Branch Manager, HDFC Bank Limited, South Main Street, Thanjavur, directing him to produce the cheque-book issuing register.

4.The main contention of the petitioner is that the disputed cheque was issued in the year 2015 to the complainant and in order to prove the same, the cheque-book issuing register is now sought for.

5.The learned Magistrate, in the impugned order, by specifically observing that the petitioner had admitted the issuance of the cheque, but disputed the time of issuance of the cheque-book, that the proof of issuance of cheque book is not necessary to prove



the case of the accused and that the above petition has been filed only drag on the proceedings, dismissed the petition.

6.As rightly pointed out by the learned Magistrate, the period of issuance of cheque book by the bank and the period of issuance of the cheque by the petitioner to the complainant need not be the same and there is no compulsion to to use or issue the cheques in the same year or within a particular point of time. Assuming for arguments sake that the cheque book was issued to the petitioner in 2015 as claimed by the petitioner, there is not bar or prohibition for using or issuing the cheques in the subsequent years and that since because the cheque book was received by the petitioner in 2015, it cannot be said that cheque was also issued in the year 2015 to the complainant.

7.It is pertinent to note that the above case is pending from 2019 onwards.

8.Considering the facts and circumstances of the case, as rightly observed by the learned Magistrate, it is clearly evident that the above petition came to be filed only to drag on the proceedings. Hence, this Court is of the view that the criminal revision is absolutely devoid of merits and the same is liable to be dismissed. However, since the case is pending from 2019 onwards, this Court is also of the view that necessary direction is to be issued for the early disposal of the case.

9.In the result, the Criminal Revision is dismissed. The learned Judicial Magistrate, Fast Track Court, Thanjavur, is directed to dispose of the case in S.T.C.No.77 of 2019 within a period of two months from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

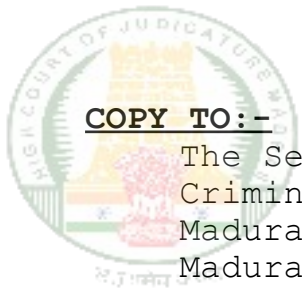
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/ /2022

Sub Assistant Registrar(CS)

das

To
The Judicial Magistrate,
Fast Track Court,
hanjavur,



COPY TO:-

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1 CC to M/s.M.S. SURESH KUMAR, Advocate (SR-27233[F]
dated 21/06/2022)

CRL.R.C. (MD) .No.257 of 2022
and
CRL.M.P. (MD) No.3433 of 2022
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