



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10485 of 2022

S.R.Lakshminarayan

... Petitioner/Accused

Vs.

Veerayyan

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to set aside the order dated 23.05.2022 passed by the Judicial Magistrate, Srirangam in unnumbered Cr.M.P.No..... of 2022, under Section 91 of Cr.P.C. filed by the petitioner and allow the above petition.

For Petitioner : Mr.B.Jameel Arasu

ORDER

This petition has been filed to set aside the order dated 23.05.2022 passed by the Judicial Magistrate, Srirangam in unnumbered Cr.M.P.No.....of 2022, under Section 91 of Cr.P.C. filed by the petitioner.

2.The learned counsel for the petitioner submitted that a complainant prosecuted the petitioner under Section 138 of Negotiable Instrument Act. After examination of complainant as PW1 and after cross examination, the case was posted for argument. At this stage, the petitioner has filed a petition under Section 91 of Cr.P.C., to call for records from the Branch Manager, State Bank of Trivancore with regard to Account No.67000567845 for the period from 01.01.2008 till 31.12.2015. The learned Magistrate without considering vital aspects rejected the application on the ground that the unfilled cheque has expiry date and the date mentioned in the cheque alone is relevant to the validity of the cheque. Hence, he filed this petition.

3.I have considered the matter in the light of the submissions made by the learned counsel for the petitioner.

4.On perusal of records, it is seen that the respondent has filed a private complaint against the petitioner for dishonor cheque. The case was taken on file in S.T.C.No.155 of 2021 before the learned Judicial Magistrate, Srirangam, Trichy for the offence under Section 138 of NI Act. In that case, the respondent was



examined as PW1 and he was also cross examined and the same was posted for argument. At this stage, the petitioner has filed a petition under Section 91 of Cr.P.C., before the learned Judicial Magistrate, Srirangam to re-open the case. It is seen that the petitioner disputed the transactions between the accused and the complainant and also contended that the cheque bearing account number is prior to the year 2015. The subsequent cheques were dishonoured, but the cheque which was mentioned in the above case was dishonoured only in the year 2020. The the petitioner did not dispute that the disputed cheque belongs to his account and he only disputed the transactions between him and the accused, that has been decided by the learned Magistrate. Based on the evidence, it is seen that calling for records from the Branch Manager, State Bank of Trivancore regarding the account statement for the period from 01.01.2008 till 31.12.2015 is unwarranted. The learned Magistrate has rightly rejected the petition filed under Section 91 of Cr.P.C., and this Court finds no error in the impugned order and there is no merit in this case.

5.Hence, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

To

The Judicial Magistrate,
Srirangam, Trichy District.

CRL.O.P (MD) No.10485 of 2022

14.06.2022

USK/27.06.2022/2P/2C