



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE G. ILANGOVAN

Crl.O.P (MD) No.10692 of 2019

S.Muththamizhselvan

...Petitioner

Vs

V.Sridhar

...Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order made in Cr.M.P.No.5709 of 2018 in CC No.5 of 2017, on the file of the Judicial Magistrate, Thuraiyur, dated 30.10.2018.

For Petitioner

: Mr.N.Ananda Kumar

For Respondent

: No appearance

ORDER

This petition has been filed to set aside the order made in Cr.M.P.No.5709 of 2018 in CC No.5 of 2017, on the file of the Judicial Magistrate, Thuraiyur, dated 30.10.2018, which was filed by the petitioner under Section 311 of Cr.P.C.

2.The petitioner herein has filed a petition under Section 311 of Cr.P.C, before the Judicial Magistrate Court, Thuraiyur in CC No.5 of 2017 to examine himself and the Branch Manager, Axis Bank, Thuraiyur as defence witnesses and the same was allowed in part. The petitioner was permitted to examine himself and it was made clear that there is no need to examine the Branch Manager. Challenging the said order, he preferred Criminal Revision Petition before the III Additional District Judge, Tiruchirappalli, which was dismissed on the ground of maintainability. Aggrieved over the same, the petitioner is before this Court, with the present petition.

3.Heard the learned counsel for the petitioner and perused the materials placed before this Court.

4.Since the case is of the year 2017, a report was ordered to be called for from the concerned Magistrate and a report was also received stating that the case in STC No.5 of 2017 is pending for defendant side cross examination.

5.Perusal of the documents shows that there is specific admission with regard to the payment made by the defacto complainant and also considering the facts and circumstances of the case, the learned Magistrate has rightly dismissed the petition as far as the examination of Branch Manager, Axis Bank is concerned. Hence, I do not find any merit in this petition. It is made clear that the



petitioner can very well submit the statement of accounts to substantiate his contentions, before the trial Court. It is not necessary to examine the Bank Manager concerned. As such, the petitioner shall work out his remedy.

6. With the above observations, this Criminal Original Petition is dismissed.

Sd/-

Deputy Registrar (LA & MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn

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

1. The Judicial Magistrate, Thuraiyur.

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MGJ(07.03.2022) 2P 2C