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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30/11/2022

CORAM

The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.RC(MD)No.979 of 2022
and
Cr1.MP(MD)No.12038 of 2022

D.Nallaiah Peter : Revision Petitioner/
Respondent/Accused

Vs.

K.Muthaiah : Respondent/Petitioner/
Complainant

PRAYER:- This Criminal Revision has been filed under section 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the order passed in Cr1.M.P No.2245 of 2022 in STC No.675 of 2020 on the file of the Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli and set aside the same and pass such further or other orders.

For Petitioner : Mr.K.Navaneetharaja

For Respondent : Mr.R.Anand

**ORDER**

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This Criminal Revision has been filed seeking in order to set aside the order passed in CrI.M.P No.2245 of 2022 in STC No.675 of 2020 on the file of the Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli.

2.The facts in brief:-

The respondent filed a complaint against the petitioner stating that he has committed the offence punishable under section 138 of the Negotiable Instruments Act. When the trial was undertaken, the complainant filed the impugned petition seeking permission of the court to produce the sale agreement that was entered into between the parties stating that at the time of filing the complaint, only the copy was available and now, the original has been traced out and he must be permitted to produce the original document.

3.That was resisted by the petitioner stating that it is an unregistered sale agreement lacking proper registration and also inviting stamp duty. On that ground, the above said petition was resisted. But



however, the trial court has found that there is no denial on the part of the accused with regard to the existence of such an sale agreement. More-over, it has been observed that only for collateral purpose, the said document has been sought to be produced ,which is not prohibited under law.

4.The correctness of the above order has been called in question in this revision.

5.Heard both sides.

6.The learned counsel appearing for the petitioner would rely upon the judgment of this court reported in the case of **Thangamuthu and others Vs. A.Jeyaraj (2019-4-L.W.-602)** for the purpose of argument that the unregistered of the document cannot be permitted to be marked.

7.No doubt that unregistered sale agreement subsequent to the amendment of the Registration Act, 2004 cannot be entered into. But here, the issue is entirely different one. It is an offence under section 138 of the Negotiable Instruments Act.



above said document sought to be produced. So the ground on which, the petitioner now raised is out of place and cannot be accepted. Even though, there is some factual mistake committed by the trial court, while passing the order that there is no denial on the part of the petitioner of the execution of the above said sale agreement. But that will not affect the final decision. So in the light of the above said facts, this revision is liable to be dismissed.

10. In the result, this criminal revision is **dismissed**. Consequently, connected Miscellaneous Petition is closed.

30/11/2022

Index:Yes/No
Internet:Yes/No

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To,

The Special Court for
Exclusive Trial of Negotiable
Instrument Act,
Tirunelveli.



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G.ILANGOVAN, J

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Cr1.RC(MD)No.979 of 2022

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