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Crl.O.P.No.5915 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.03.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.5915 of 2023

and

Crl.M.P.No.3688 of 2023

Shri Muthuram Export (P) Limited,
Represented by its Director,
M.Srinivasan

...Petitioner

Vs.

Sri Dhandayuthapani Spinners (P) Ltd.,
Represented by its Managing Director,
S.Saravanabavan

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed in C.M.P.No.8474 of 2022 in S.T.C.01 of 2022 by the Fast Track Judicial Magistrate No.I, Erode.

For Petitioner : Mr.E.K.Kumaresan

ORDER

This Criminal Original Petition has been filed to set aside the order passed in C.M.P.No.8474 of 2022 in S.T.C.01 of 2022 by the learned Fast Track Judicial Magistrate No.I, Erode.



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2. The learned counsel for the petitioner submitted that the respondent/complainant filed a petition under Section 311 of Cr.P.C for recalling him for the purpose of producing invoices and Income Tax Returns. The petitioner objected that petition on the ground that those documents are sought to be produced to fill up the lacuna. However, without considering the petitioner's objection, that petition was allowed. Challenging that order, this present petition is filed.

3. Heard the submission of the learned counsel for the petitioner and perused the records.

4. It is seen from the petition under Section 311 of Cr.P.C, the respondent claims that the invoices and Income Tax Returns for the relevant period are essential for proving the respondent's case. Existence of these documents are already mentioned in the legal notice and complaint. However, these documents were omitted to be produced as exhibits.



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5. Though, the petition was opposed by the petitioner, the learned Fast Track Judicial Magistrate No.I, Erode found that the respondent herein stated about the invoices in the legal notice and complaint. Therefore, the respondent must be given an opportunity to produce these documents. At the same time, the petitioner herein would have opportunity to cross examine and disprove the case of the respondent.

6. Taking note of the facts and interest of justice, the learned Fast Track Judicial Magistrate No.I, Erode allowed the petition on payment of cost of Rs.1000/- by the respondent to the petitioner.

7. This Court on going through the petition averments, the reason given by the learned Fast Track Judicial Magistrate No.I, Erode in allowing the petition finds that there is no reason to interfere with the order of the learned Fast Track Judicial Magistrate No.I, Erode. The reason is that the parties must be given reasonable and every opportunity to project their case.



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8. Thus, this Court finds no reason to interfere with the order passed by the learned Fast Track Judicial Magistrate No.I, Erode. The order passed in C.M.P.No.8474 of 2022 in S.T.C.01 of 2022 dated 09.02.2023 by the learned Fast Track Judicial Magistrate No.I, Erode, is hereby confirmed.

9. The learned Fast Track Judicial Magistrate No.I, Erode is directed to dispose of the case, within a period of one month from the date of receipt of a copy of this order.

10. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

16.03.2023

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Index: Yes/No

Speaking Order: Yes/No

To

1. The Fast Track Judicial Magistrate No.I, Erode.

2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

mn

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and
CrI.M.P.No.3688 of 2023

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