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Crl.O.P.No.8319 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8319 of 2023

Venkatesh Siddani

...Petitioner

Vs.

M/s.Crotus Technologies

Represented by its partner & Director-operations,

Balaji Dhananjayan

S/o.T.K.Dhananjayan,

Having office at: No.13/13, Railway Colony 1st street,

Nelson Manickam road, Aminjikarai,

Chennai – 600 029.

...Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to set aside the dismissal order passed by the learned Metropolitan Magistrate FTC-II, Egmore, Allikulam, Chennai, in Crl.M.P.No.35628 of 2022 in C.C.No.5319 of 2017, dated 07.03.2023.

For Petitioner : Mr.G.Ashokkumar

For Respondent : Mr.S.Santhosh

Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed to set aside the dismissal order passed by the learned Metropolitan Magistrate FTC-II, Egmore, Allikulam, Chennai, in Crl.M.P.No.35628 of 2022 in C.C.No.5319 of 2017, dated 07.03.2023.

2.The learned counsel for the petitioner filed petition under Section 311 Cr.P.C. in Crl.M.P.No.35628 of 2022 for examining the Branch Manager of M/s.Axis Bank, Kaidrabad, to prove his case. That petition was dismissed by the learned Metropolitan Magistrate, FTC-II, Egmore. Therefore this petition is filed challenging the dismissal order. It is his further submission that the monetary transaction had been conducted through the complainant's friend Kelam Kiran Kumar. Therefore, the account statement of Kelam Kiran Kumar is necessary and for that purpose, the examination of Bank Manager, M/s.Axis Bank is also necessary.

3.This Court on going through the order of the learned Metropolitan



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Magistrate, FTC-II, Egmore, finds that petitioner had taken a defence when questioned under Section 251 and 313 Cr.P.C. that complainant/respondent got cheque from him under threat and that he returned the money concerned with Ex.P2. However, it appears that in support of his case, no evidence is produced by the petitioner. It was also observed that petitioner can very well prove the money transaction by producing his bank statement. For all these reasons, the learned Metropolitan Magistrate, FTC-II, Egmore, found that examining the Branch Manager of M/s.Axis Bank, Kaidrabad, is not necessary and dismissed the petition.

4.This Court on going through the order of learned Metropolitan Magistrate, FTC-II, Egmore, found that the reasons for dismissal were appropriately recorded. Petitioner claim that he paid the money due to the respondent through respondent friend, cannot be accepted. This Court finds that there is no illegality or irregularity in dismissing the order dated 07.03.2023 in CrI.M.P.No.35628 of 2022 in C.C.No.5319 of 2017. Accordingly, order dated 07.03.2023 in CrI.M.P.No.35628 of 2022 in C.C.No.5319 of 2017 passed by the learned Metropolitan Magistrate, FTC-



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II, Egmore, is confirmed.

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5.In this view of the matter, this Criminal Original Petition is dismissed.

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Index: Yes/No
Speaking/Non speaking order
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G.CHANDRASEKHARAN, J.



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