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Crl.OP.No.13596 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.13596 of 2023

and

Crl.MP.No.8296 of 2023

- 1.KSA Power Infra Private Ltd.,
Rep by its Director Mr.Kachapeswaran Vinnavadi
Khivraj Complex-I, First Floor,
No.480 Anna Salai, Nandanam,
Chennai-600 035.
2. Kachapeswaran Vinnavadi
3. Saraswathy Ganesan, Director,
KSA Power Infra Private Limited,
No.14/15, Rajendra Gardens,
Vettuvankeni, Chennai-600 115. ... Petitioners

Vs.

S.Abdul Shafique
Proprietor, S.M.Tower Technology,
Represented by his Power Agent
Rizwan Mohammed AS ... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records pertaining to the proceedings in C.C.No.591 of 2021 on the file of the learned



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Metropolitan Magistrate, Fast Track Judge III, Saidapet and set aside the order dated 19.05.2023 passed in CrI.MP.No.21177 of 2022.

For Petitioners : Mr.Ramizhdhu

For Respondent : Mr.G.Mohammed Aseef

ORDER

The petition filed by the accused challenging the order passed by the trial court allowing the petition filed under Section 311 of Cr.P.C by the complainant to receive additional documents namely invoices of goods sold by the complainant to the accused and four dues for payment. The reason for challenging the order of the trial court is that in the complaint, the complainant has mentioned 16 invoices with date and outstanding amounts.

2. It is the case that a sum of Rs.1,31,85,259/- being the invoices amount is outstanding payable by the accused for which the subject cheque was issued. While mentioning the invoices number and the amount in complaint, the complainant had not chosen to mark to those invoices neither in his chief examination or when he was cross examined



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by the accused counsel. As an author thought the application been filed to receive invoices which are not connected with the transaction. However, the trial Court overlook the application and allow the petition to receive additional document.

3. The learned counsel appearing for the respondent/complainant submitted that 16 invoices mentioned in the complaint alone or now sought to be marked and not any other invoices which are not mentioned in the complaint. These documents were not filed along with the complaint are marked. When P.W.1 was examined in chief because the accused himself has admitted the liability of Rs.1,31,85,259/- arising out of these invoices sold. Therefore, the complainant though fit that admitted fact need not be proved. However, in the cross examination certain questions been put doubting the invoices mentioned in the complaint. Hence, the complainant is not fit to produce documents before the court for just appreciation.

4. This Court finds that the reasonable cause been given by the complainant for producing the documents which already been mentioned in the complaint, but not filed. It is made clear that the complainant shall



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mark only the invoices which are mentioned in his complaint and not new documents which are not connected with those 16 transactions.

Therefore, this Court finds no reason to interfere and the criminal original petition dismissed. Consequently, the connected miscellaneous petition is closed.

Vv

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To

- 1.The Metropolitan Magistrate,
Fast Track Judge III,
Saidapet.
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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