



Crl.O.P.No.17376 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17376 of 2023

and

Crl.M.P.No.11259 of 2023

1. Imtiaz H.A. Sattar

2. Shri. Jithesh Ganatra

.. Petitioners

Vs.

M/s Ashok Tex, A Partnership Firm,
Represented by its Partner Shri H.A.Ashok Kumar
S/o Shri Hastimal,
Having office at No.56, Sankari Main Road,
Annadanapatty, Salem. - 2.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.M.P.No.6474 of 2019 in S.T.C.No.1194 of 2019 on the file of the Judicial Magistrate III, Salem, and set aside the same.

For Petitioners : Mr.V.S.Sivanupandian

ORDER

This Criminal Original Petition has been filed challenging the order passed by the Court below dismissing the petition filed u/s.91 Cr.P.C. seeking a direction to the respondent to produce self-attested copy of the



CrI.O.P.No.17376 of 2023

email attachment sent by the respondent to the petitioners.

WEB COPY

2. The respondent has filed a complaint against the petitioners u/s.138 of the Negotiable Instruments Act. According to the petitioners, there are certain email communications made by the respondent to the petitioners, which will clearly demonstrate the fact that the claim made by the respondent is unsustainable. Hence, the petitioners filed a petition u/s.91 Cr.P.C. to direct the respondent to furnish those email communications duly attested by him. The Court below has dismissed the petition and aggrieved by the same, the present Writ Petition has been filed before this Court.

3. Heard Mr.V.S.Sivanupandian, learned counsel for petitioners and carefully perused the materials available on record.

4. There is no dispute with regard to the fact that the email communication was sent by the respondent to the petitioners. If that is so, it is not necessary for the respondent to self-attest such communication and furnish it to the Court. The petitioners themselves can produce those communications before the Court since it was addressed only to them. In



CrI.O.P.No.17376 of 2023

view of the same, it is not known as to why the petitioners/accused are insisting the respondent/complainant to produce those communications. The Court below has dealt with the issue in a proper perspective and this Court does not find any illegality or infirmity in the order passed by the Court below.

In the result, this Criminal Original Petition stands dismissed. There shall be a direction to the Court below to complete the proceedings in S.T.C.No.1194 of 2019 within a period of two (2) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

03.08.2023

Index : Yes/No
Speaking order:Yes/No
Neutral citation:Yes/No
gm

To

The Judicial Magistrate III,
Salem.

N.ANAND VENKATESH, J



WEB COPY



Crl.O.P.No.17376 of 2023

gm

Crl.O.P.No.17376 of 2023

03.08.2023