



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.15138 of 2023
and Crl.M.P.No.9446 of 2023

M/s.Janatics India Private Limited
A Company Incorporated under the Companies Act, 1956
Rep.by Power Agent
B.Karthick
S/o.Balasubramaniam
No.2/132, Sivaram Nagar,
Ganapathy Post
Coimbatore

.. Petitioner

Vs.

Eric Purushothaman

..Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 04.05.2023 made in Crl.M.P.No.8567 of 2022 in C.C.No.80 of 2018 Judicial Magistrate FTC No.1, @ M.L., Coimbatore.

For Petitioner

: Ms.K.Akshaya

For R1 and R2

: Mr.A.Gopinath

Government Advocate (Crl. Side)



ORDER

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This petition has been filed challenging the order passed by the Court below dismissing the application in Crl.M.P.No.8567 of 2023 filed for the purpose of marking the statement of account between the complainant and the accused for the period from 01.04.2009 to 31.03.2017.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3.The petitioner has filed a complaint under Section 138 of the Negotiable Instruments Act against the respondent. The petitioner is a Company and the representative of the Company was examined as PW1. He was also cross-examined by the respondent/accused. The petitioner wanted to mark the statement of account for the period from 01.04.2009 to 31.03.2017. The Court below has rejected this application mainly on the ground that the transaction between the parties was only from 01.04.2016 to 12.09.2017 and therefore, whatever statement of account has already been marked will suffice and there is no need to mark the statement of account for the period from 2009 onwards.



WEB COPY

4.The case is now at the stage of cross-examination of PW1. The petitioner has taken a very specific stand that there were regular business transaction between the parties and the marking of the statement of account for the period from 01.04.2009 to 31.03.2017 is essential to establish the case of the petitioner. The stage at which this application is filed was at the time when PW1 was cross-examined by the respondent. Therefore, even if the statement of account is marked on the side of the petitioner, the respondent will have sufficient opportunity to cross-examine the witness on the said document and no prejudice will be caused to the respondent.

5.Taking into consideration facts and circumstances of the case and also considering the fact that the respondent will also get an opportunity to cross-examine the petitioner on the statement of account that is proposed to be marked for the period from 01.04.2009 to 31.03.2017, this Court is inclined to interfere with the order passed by the Court below in CrI.M.P.No.8567 of 2022, dated 04.05.2023 and accordingly, the same is hereby set aside.



N.ANAND VENKATESH, J

SSR

6.This criminal original petitioner is accordingly allowed and there shall be a direction to the Court below to complete the proceedings in C.C.No.80 of 2018, within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

18.08.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
ssr

To

- 1.The Judicial Magistrate FTC No.1, @ M.L., Coimbatore.
- 2.The Public Prosecutor,
High Court, Madras.

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