



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.18740 of 2023

Crl.M.P.No.12483 of 2023

T.N.Murugan

.. Petitioner

Vs.

V.Prabavathy

..Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by the learned Judicial Magistrate, No.I, Ponneri, Thiruvallur District in Copy Application No.199 of 2022 in STC No.976 of 2016 dated 13.02.2023.

For Petitioner

: Mr.E.Kannadasan

ORDER

This criminal original petition has been filed challenging the docket order passed by the Court below on 13.02.2023, rejecting the copy application filed by the petitioner wherein, the petitioner had sought for the certified copies of certain documents.



2. Heard the learned counsel for the petitioner and carefully perused the materials available on record.

3. The respondent has filed a complaint against the petitioner for the offence under Section 138 of the Negotiable Instruments Act. The petitioner has taken a defense that the respondent does not have the financial wherewithal and that the cheque has been misused by the respondent. The petitioner had filed an application in CMP No.1664 of 2022 under Section 91 of Cr.P.C., directing the respondent to furnish certain documents. This application came to be dismissed. Thereafter, the petitioner had filed the copy application before the Court below seeking for the certified copies of nearly thirteen complaints filed by the respondent against various persons. The same was rejected by the Court below through Docket Order dated 13.02.2023. Aggrieved by the same, the present criminal original petition has been filed before this Court.

4. In the considered view of this Court, the specific defense taken by the petitioner to the effect that the respondent does not have a financial wherewithal, has no connection with the documents that are now sought for by the petitioner by filing a copy application. At the best, the certified copies of the documents sought for by the petitioner will only show that the respondent is habitually in the habit of



filing complaints against various persons under Section 138 of the Negotiable Instruments Act. Apart from that, those documents will have nothing to do with the financial wherewithal of the respondent. In other words, those documents will not in any way enable the Court to decide the financial wherewithal of the respondent. Hence, this Court does not find any illegality in the rejection of the copy application by the Court below through the Docket Order dated 13.02.2023.

5. In the light of the above discussion, it is left open to the petitioner to independently establish that the respondent does not have the financial wherewithal.

6. Accordingly, this criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

17.08.2023

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



WEB COPY



N.ANAND VENKATESH, J

SSI

To

- 1.The Judicial Magistrate, No.I, Ponneri, Thiruvallur District.
- 2.The Public Prosecutor
High Court of Madras,
Madras.

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