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Crl.O.P.No.16654 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.16654 of 2023
and Crl.M.P.No.10649 of 2023**

Naunihall

.. Petitioner

Versus

Noor Mohammed

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order of the learned Judicial Magistrate, Tirukoilur, in C.M.P.No.295 of 2023 in C.C.No.185 of 2018, dated 23.03.2023.

For Petitioner : Mr.S.Natarajan

ORDER

This petition has been filed challenging the order passed by the Court below in C.M.P.No.295 of 2023 in C.C.No.185 of 2018 filed under Section 311 of Cr.P.C., to call the Bank Manager to adduce evidence and to produce the statement of accounts.



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2. The respondent filed a complaint under Section 138 of the N.I.Act against the petitioner. The prosecution evidence was closed and the questioning was also done under Section 313 of Cr.P.C., and the case was at the stage of defence evidence. At that point of time, the petitioner filed an application under Section 311 of Cr.P.C., to issue process to the Bank Manager and for production of the statement of accounts. The said application was dismissed by the Court below by order, dated 23.03.2023. Aggrieved by the same, this petition has been filed before this Court.

4. Heard Mr.S.Natarajan, learned Counsel for the petitioner and carefully perused the materials available on record.

5. In the considered view of this Court, the admitted case is that hand loan was given to the petitioner by the respondent and according to the petitioner, the respondent does not have the financial wherewithal to lend the amount. The matter does not involve any bank transaction and in any case the bank witness cannot come and talk about the financial wherewithal of the respondent. This issue has been properly appreciated by the Court



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below and this Court does not find any illegality or infirmity to the order passed by the Court below.

6. In view of the above, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

26.07.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

The Judicial Magistrate, Tirukoilur.



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N.ANAND VENKATESH, J.
grs

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