



WEB COPY



CrI.O.P.No.27136 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.27136 of 2022

C.Venkatesan

...Petitioners

vs.

M.Mullai Vendhan

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 16.09.2022 made in CrI.M.P.No.1807 of 2022 in STC No.1114 of 2019 on the file of Court of Judicial Magistrate Pappyyreddipatty and consequently direct the respondent to produce the account ledger, sale invoices and sale tax returns pertaining to the years 2012 to 2016 before the aforementioned trial Court within a stipulated time.

For Petitioners : Mr.T.P.Prabakaran

ORDER

The criminal original petition has been filed challenging the order passed by the Court below dismissing the application filed under Section 91 of CrPC in CrI.M.P.No.1807 of 2022 and also for a direction to the respondent to produce certain documents.



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2. The respondent has filed a complaint against the petitioner for the offence under Section 138 of the Negotiable Instruments Act. The complainant was examined as PW1 and he was also cross-examined by the petitioner. The case was at the stage of final arguments and at that stage, the petitioner has filed an application under Section 91 of CrPC for a direction to the respondent to furnish the account ledger, sale invoices and sales tax returns for the years 2012 to 2016. The Court below, after considering the materials available on record, has come to the conclusion that the application has no merits and accordingly it was dismissed by order dated 16.09.2022. Aggrieved by the same, this petition has been filed before this Court.

3. This Court has carefully considered the submissions made by the learned counsel for the petitioner and perused the materials available on record.

4. The petitioner has filed an application under Section 91 of CrPC based on the fact that respondent/complainant did not deny the existence of the relevant documents at the time of cross-examination. Hence the petitioner wanted those documents to be produced by the respondent in order to substantiate his defence. The Court below, on considering the claim made by the petitioner, specifically took into consideration the stand that was taken by the



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petitioner in the reply notice dated 10.06.2019. In the light of such stand taken by the petitioner, the Court below came to a conclusion that the application filed under Section 91 of CrPC lacks merits.

5. In the considered view of this Court, the reasons assigned by the Court below while dismissing the application does not suffer from any illegality or infirmity warranting the interference of this Court exercising its jurisdiction under Section 482 of the CrPC.

6. In light of the above discussion, this criminal original petition is dismissed with a direction to the Court below to complete the proceedings in STC.No.1114 of 2019 within a period of three months from the date of receipt of copy of this order.

01.08.2023

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



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N. ANAND VENKATESH, J.

nsa

To

The Judicial Magistrate Pappyreddipatty

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