



CrI.O.P.No.26378 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.26378 of 2022

and

CrI.M.P.No.16272 of 2022

Bhojanapalli Koteswara Rao

...Petitioners

vs.

Nerella Sathya Narayana

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in CrI.M.P.No.14361 of 2021 in C.C.No.3901 of 2016 on the file of the Metropolitan Magistrate, Fast Track Court III, (FAC) Saidapet, Chennai 15 and set aside the order passed in CrI.M.P.No.14361 of 2021 dated 20.07.2022.

For Petitioners : Mr.P.Udayakumar



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ORDER

WEB COPY This criminal original petition has been filed challenging the order passed by the Court below dismissing the application filed under Section 311 of CrPC to issue summons to the witnesses to be examined on the side of the defence.

2. The respondent has filed a complaint against the petitioner for the offence under Section 138 of the Negotiable Instruments Act. The case was at the stage of defence side evidence and at that point of time, the petitioner has filed an application to examine Nerala Sri Ranganayakulu, who is the Chartered Accountant, as witness on the side of the defence. The Court below found that this witness is not connected with the transaction and accordingly, the application filed by the petitioner was dismissed. Aggrieved by the same, the present petition has been filed before this Court.

3. Heard the learned counsel for the petitioner and perused the materials and the order passed by the Court below available on record.

4. The Court below had assigned sufficient reasons for dismissing the



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application and the said reasons do not suffer from any illegality or infirmity

warranting the interference of this Court under Section 482 of CrPC.

5. In view of the above, this criminal original petition is dismissed with a direction to the Court below to complete the proceedings in C.C.No.3901 of 2016 within a period of two months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is also closed.

01.08.2023

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

To

The Metropolitan Magistrate,
Fast Track Court III, (FAC)
Saidapet, Chennai 15



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N. ANAND VENKATESH, J.

nsa

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