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Crl.O.P.No.24478 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24478 of 2023

and

Crl.M.P.No.17029 of 2023

Dhandapani

... Petitioner

Vs.

Sunil Kumar

...Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records relating to the order dated 19.09.2023 made in C.M.P.No.2169 of 2023 in C.C.No.07 of 2018 on the file of Judicial Magistrate Court Thirukoilur and set aside the same as illegal.

For Petitioner : M/s. S.Marshall



Crl.O.P.No.24478 of 2023

ORDER

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Petition arising out of dismissal of petition under Section 91 of Cr.P.C. Application filed by the accused in a private complaint filed under Section 138 of Negotiable Instruments Act. C.C.No.07 of 2018 has been taken cognizance by the learned Judicial Magistrate, Thirukoilur on the complaint given by the one Sunil Kumar. The examination of private complainant side witnesses got completed in the year 2020. Thereafter, application to summon the document in the Villupuram District Crime Branch pertaining to the complaint investigated during the month of August 2014 sought to be called. The application to summon the witness was filed on 17.12.2023 and the same was objected by the complainant. The trial Court on considering the facts has recorded that the accused after taking contradictory defence one at the time of reply notice and another during the cross examination of complainant PW1 has taken out the application to summon the document in relation to the transaction alleged to have taken place six years prior to the filing of the complaint, hence dismissed the petition.



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Crl.O.P.No.24478 of 2023

2. This Court on perusing the records finds no infirmity or irregularity in the order passed by the learned Judicial Magistrate, Thirukoilur in C.M.P.No.2169 of 2023 dated 19.09.2023.

3. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

22.11.2023

Index : Yes/No
Neutral Citation : Yes/No
Sma

To:

Judicial Magistrate, Thirukoilur



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Crl.O.P.No.24478 of 2023

Dr.G.JAYACHANDRAN,J.

Sma

Crl.O.P.No.24478 of 2023

22.11.2023