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Crl.R.C.No.2204 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2204 of 2023

M/s.TSN Ecotech International Pvt. Ltd.,
Rep. by its Director,
T.N.Sirajeen alias thothappa Naina Mohamed Sirajdeen,
No.18/3, Samath School Street,
Kaja Shenoy First Street,
Trichy – 630 020.

... Petitioner/Accused

Vs.

M/s.Redington (India) Ltd.,
Rep. by Mr.M.Sundarajan,
Senior Legal Executive,
SPL Guindy House,
95, Mount Road, Guindy,
Chennai – 600 032.

... Respondent

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to set aside the order passed in Crl.M.P.No.13005 of 2023 dated 31.08.2023 and direct the trial Court to issue witness summon to the Investigation Officer, CBCID, Metro Chennai.



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For Petitioner : Mr.S.N.Subramani

For Respondent : Mr.V.T.Narendiran

ORDER

This petition has been filed to set aside the order passed in Crl.M.P.No.13005 of 2023 dated 31.08.2023 and direct the trial Court to issue witness summon to the Investigation Officer, CBCID, Metro Chennai.

2.The petitioner, who is an accused in a private complaint filed under Section 138 of the Negotiable Instruments Act by the respondent in C.C.No.863 of 2018, has filed a petition under Section 254(2) of Cr.P.C. in Crl.M.P.No.13005 of 2023 to summon the Deputy Superintendent of Police, CBCID with regard to Crime No.310 of 2017. Crime No.310 of 2017 was registered on the complaint of petitioner against one Mohammed Sirajdeen.

3.According to the petitioner, the said Mohammed Sirajdeen is the main accused, the petitioner had been made as a scapegoat. To prove the facts



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and probabalise his defence, examination of this witness is necessary. The Trial Court, by order dated 31.08.2023, dismissed the said petition, against which, the present revision.

4.The learned counsel appearing for the respondent submits that after dismissal of the above petition, the petitioner filed a petition under Section 315 Cr.P.C., got into the box as DW1 and his evidence is in part. At that stage, the Lower Court had given time for the petitioner to produce the certified copy of the F.I.R. in Crime No.310 of 2017. In view of the same, examination of Deputy Superintendent of Police, CBCID is not required.

5.The learned counsel for petitioner submitted that it is not only for the purpose of marking F.I.R., it is also to bring the fact about the main accused one Mohammed Sirajdeen in Crime No.310 of 2017 and his role played in the transaction, which would have bearing in Section 138 of N.I. Act case.



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6.Considering the submissions made and on perusal of the material

it is seen that the purpose of marking F.I.R. is to show that a case is pending against main accused Mohammed Sirajdeen. The petitioner in his examination as DW1 can give explanation about the role played by Mohammed Sirajdeen and correlate with the F.I.R. in Crime No.310 of 2017. Thereafter, the petitioner can take appropriate steps as required in law, if he further feels that he needs much more evidence to probabalise his defence. In any event summoning of DSP, CBCID, Chennai is not required. The Trial Court rightly dismissed the petition, the impugned order needs no interference.

7.Accordingly, the Criminal Revision Case is dismissed.

21.12.2023

Index : Yes/No

Speaking order / Non-speaking order

Neutral citation : Yes / No

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To
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- 1.The Metropolitan Magistrate,
Fast Track Court No.V,
Saidapet, Chennai – 15.
- 2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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