



Crl.R.C.No.2032 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2032 of 2023

and

Crl.M.P.No.18786 of 2023

G.T.Janakiraman

... Petitioner/Accused

Vs.

M.Govindarajulu

... Respondent

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to set aside the order dated 17.08.2023 in Crl.M.P.No.28841 of 2023 in C.C.No.7448 of 2019 passed by the Metropolitan Magistrate, Fast Track Court-I, Egmore at Allikulam, Chennai and allow the same.

For Petitioner

: Mr.A.D.Janarthanan

ORDER

This petition has been filed challenging the order passed by the learned Metropolitan Magistrate, Fast Track Court-I, Egmore at Allikulam,



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Chennai in Crl.M.P.No.28841 of 2023 dated 17.08.2023 in C.C.No.7448 of 2019.

2.The petitioner/accused in a case filed under Section 138 of the Negotiable Instruments Act by the respondent, filed a petition under Section 254(2) of Cr.P.C. to examine three persons as defence witnesses in Crl.M.P.No.28841 of 2023, viz., Muthulakshmi, D.Vimala and Branch Manager of IndusInd Bank Ltd., Anna Nagar Branch, Chennai. The Trial Court, by order dated 17.08.2023 dismissed the same, against which the present revision.

3.The contention of the petitioner is that the petitioner running a business and he did not know the complainant. A stale cheque has been misused and has been harassed. The petitioner had given the cheque to one Vimala, who was employed as Bench Clerk in City Civil Court and the said Vimala is none other than the complainant's wife's sister. The petitioner



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received only a sum of Rs.20,000/- from the said Vimala for interest and the petitioner paid back the amount. Further the petitioner also aware about one Dr.Aldrin, who also received Rs.2,00,000/- from the said Vimala and the respondent using the cheque given to Vimala filed a false case against the petitioner as well as Aldrin, as there is no liability of the petitioner to the respondent. The Trial Court finding that the case is now at the stage of arguments and further permitted the petitioner to examine the said Muthulakshmi alone. As regards the other two witnesses, the Trial Court dismissed the same, against which, the present revision.

4.On perusal of the Lower Court order, it is seen that the cheque in this case is dated 20.05.2019 and the same was returned with bank memo as 'Funds Insufficient' and not for the reason that the cheque is stale. In view of the same, examination of the Bank Manager is not required. As regards Vimala finding that there is no justification and reason, the Trial Court dismissed the same. If at all the petitioner needs to probabalise his defence, he



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can do it through Muthulakshmi and also if he feel so, he has to get into the box by filing a petition under Section 315 Cr.P.C. to give his explanation, if he so desires.

5.Finding that the lower Court order is detailed one and it does not require any interference, this Court is not inclined to entertain this revision. Therefore, the Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

30.11.2023

Index : Yes/No

Internet : Yes/No

Speaking order / Non-speaking order

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To
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- 1.The Metropolitan Magistrate,
Fast Track Court-I,
Egmore at Allikulam,
Chennai.
- 2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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