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Crl.O.P.No.32842 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.32842 of 2019

and

Crl.M.P.No.18113 of 2019

The Chairman, State Bank Of India
Shri.Rajnish Kumar
Corporate Centre State Bank Bhavan
4th Floor Madame Cama Road
Nariman Point Mumbai, Maharashtra-400021

... Petitioner

Vs.

1.Mr.M.V.Madhu Sudhan

2.Mr.Krishnan
Chief Manager (Loan Administration)
New No.4, Old No.25,
27th Street, Nanganallur, Chennai - 600061.

2. Mr.S.Murugesan,
Deputy Manager, SME CCC (Branch Code 15617)
Ekkattuthangal, Chennai - 600032.

... Respondents



CrI.O.P.No.32842 of 2019

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PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records quash the summons issued to the petitioner by the Learned IX Metropolitan Magistrate Court Saidapet, Chennai in Cr.M.P.No.1765/2017 dated 15.11.2019.

For Petitioners : M/s.Devaraj
For Respondents : Mr.R.Sanjay [R.1]
: No appearance [R.2 & R.3]

ORDER

The petition is to quash the witness summon issued to the petitioner on the complaint filed by the 1st respondent herein before the IX Metropolitan Magistrate Court, Saidapet, Chennai.

2. The 1st respondent/complainant had filed a complaint against the respondents 2 and 3 for the offences under Sections 120(B), 167, 418 and 427 IPC, read with Section 65 of the Information Technology Act.



3. In the list of witnesses appended to the complaint, the petitioner who is the Chairman of a Nationalised Bank is shown as one of the witnesses.

4. The learned counsel for the petitioner would submit that the transaction between the complainant and the accused is not known to the petitioner as a Chairman of the Bank. Hence his examination is unwarranted and the petitioner has been unnecessarily shown as a witness only to delay the proceedings.

5. The learned counsel for the 1st respondent/complainant on instructions submitted that in the facts and circumstances of the case, the petitioner may not be required to give evidence.

6. From the narration of facts it can be seen that the petitioner as the Chairman of the Bank has no personal knowledge with regard to the alleged transactions between the complainant and the accused. Therefore, this Court is of the view that summoning the petitioner as witness is unwarranted.



Crl.O.P.No.32842 of 2019

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7. Thus, considering the facts and circumstances of the case and also the submission made by the respondent, this Court quashes the witness summons issued to the petitioner by the IX Metropolitan Magistrate Court, Saidapet, Chennai in Cr.M.P.No.1765/2017 dated 15.11.2019.

8. Accordingly, the Criminal Original Petition stands allowed. Consequently, the connected Miscellaneous Petition is closed.

06.04.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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To

1. The IX Metropolitan Magistrate Court Saidapet, Chennai



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SUNDER MOHAN. J,

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