



Crl.R.C.Nos.259 to 261 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.Nos.259 to 261 of 2020
Crl.M.P.Nos.1901 to 1903 of 2020

1.T.Mahadev

Partner/ Authorized Signatory, New Tech Fasteners,
No.B-62, Devasandra Industrial Estate,
Mahadeपुरa Post, Bangalore – 560 048.

2.New Tech Fasteners,

Represented by its Partners,
No.B-62, Devasandra Industrial Estate,
Mahadeपुरa Post,
Bangalore – 560 048.

... Petitioners in both the Crl.R.Cs

Vs.

Unitech Bright Steel Industries,
The Company is incorporated under the
Registered of Firm in (Reg.No.290/2006),
Before the Government of Tamil Nadu,
Register Office at:
No.113, Vanagaram Road, Ayyanambakkam,
Chennai 600 095.

Represented by its Power of Attorney
Mr.Sanjay Nodi, Manager

... Respondent in both the Crl.R.Cs

Common Prayer: Criminal Revision Petition filed under Section 397 read



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with 401 of Criminal Procedure Code to set aside the order made in Crl.M.P.Nos.115, 116 & 114 of 2019 in Crl.A.No.162, 163 & 161 dated 04.11.2019 dismissing the petition for filing Additional Document U/s. 391 of Cr.P.C and set forth the following among other grounds. This appeal was filed against the order of the conviction and fine passed by the Hon'ble Judicial Magistrate, Fast Track Court at Ambattur in C.C.No.20 of 2018 on the file dated 20th August 2018, for the offence under Section 138 of the Negotiable Instrument Act.

For Petitioners
in both the Crl.R.Cs : MrA.Jotheeswaran

For Respondent
in both the Crl.R.Cs : Mr.Muthumari
for Mr.K.Murugan

COMMON ORDER

These Revisions have been filed by the petitioner as against the order in Crl.M.P.Nos.115, 116 & 114 of 2019 in Crl.A.No.162, 163 & 161 dated 04.11.2019 on the file of the IIIrd Additional Sessions Judge, Thiruvallur, Poonamallee.

2.The petitioners are the accused and the respondent is the complainant. The respondent filed a complaint under Section 200 Cr.P.C.



for the offence under Section 138 of Negotiable Instrument Act, before the Magistrate and the Magistrate found guilty of the petitioners and also convicted. Thereafter, the accused filed an appeal before the IIIrd Additional Sessions Judge, Poonamallee in Crl.A.No.161 to 163 of 2018. During the pendency of the appeal, the petitioners/ appellants in three appeals filed a petition to receive additional documents annexure Nos.1 to 4 and that the petitions were dismissed by the Appellate Court on 04.11.2019. Challenging the said order, they have filed three separate Revisions.

3.The main contentions of the petitioners are that from the respondent side defective goods were delivered and therefore they rejected the same and did not make payment and cheque was not issued to discharge legally enforceable debt. In order to prove the quality of the goods and that they have to mark certain documents.

4.A reading of the order passed by the Appellate Court, reveals that the documents annexed to the petitions sought to be received as additional evidence which were existing even prior to filing of the complaint and appeal and the petitioners have not stated any reason why they have not



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produced the same before the trial Court and dismissed it.

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5.A perusal of the records, as stated by the Appellate Court, the documents were existing even prior to deciding the complaint and if at all the documents are essential or relevant for deciding the case, they ought to have filed the documents before the trial Court. But, they have not assigned any reason for non-filing or marking of the documents before the trial Court, pending the trial.

6.Therefore, considering the facts and circumstances of the case, this Court finds that the petitioners have not met out the ingredients of Section 391 Cr.P.C., there is no perversity in the order passed by the Appellate Court.

7.Accordingly, all the Revisions are dismissed.

04.01.2023

Index: Yes/ No
Speaking Order : Yes/ No
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To
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The IIIrd Additional Sessions Judge,
Poonamallee.

P.VELMURUGAN,J.

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04.01.2023