



Crl.R.C(MD).No.561 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

Crl.R.C(MD).No.561 of 2023
and
Crl.M.P(MD).No.7996 of 2023

M.Ramesh

... Petitioner

Vs.

M.Magudeeswaran

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., to call for the records relating to the order made in Crl.M.P.No.5548 of 2019 in C.C.No.83 of 2017, dated 18.04.2023 by the Judicial Magistrate, Fast Track Court at Magisterial Level, Palani and set aside the same.

For Petitioner

: Mr.D. Venkatesh

ORDER

The revision petitioner is accused in C.C.No.83 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court at



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Magisterial Level, Palani. In the said case, he is facing the prosecution for the offence under Section 138 of the Negotiable Instruments Act. During the pendency of the case, he filed the petition in Crl.M.P.No. 5548 of 2019 under Section 53(a) of the Code of Criminal Procedure to mark the CD attached herewith as a document on the side of the accused and to send the CD for voice print identification and the same was dismissed. Challenging the said dismissal order dated 18.04.2023, the petitioner has filed the present revision.

2. It is the case of the petitioner / accused that in the above mentioned CD, there is a conversation between the petitioner and the accused and his brother Sreenivasan. According to the petitioner, in the said conversation, it is revealed that there was a chit transaction and for that purpose, cheque in issue was given to the defacto complainant. In order to prove the same, he requested the Court to mark the CD as a document and to send the CD for voice print identification.

3. This Court has considered the submissions made by the learned counsel appearing for the petitioner and perused the records.



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4. The learned trial Judge, after considering the available evidence as well as the request of the petitioner, categorically found that the petitioner never raised any question during the cross-examination of the witnesses relating to the chit transaction which had already taken place. Further, the existence of the above CD was never raised during the cross examination of the witnesses. So, the learned trial Judge rightly dismissed the petition.

5. From the records, this Court finds that the petitioner did not take any stand during the examination of the witnesses relating to the existence of the CD and also chit transaction. Further, from the receipt of notice issued by the defacto complainant under the Negotiable Instruments Act, the petitioner never took such stand. So, the case of the respondent that the petitioner filed this petition without any truth and only he intended to prolong the trial deserves to be accepted. Hence, this Court has not find any reason to consider the petitioner's request.



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6. In the result, the Criminal Revision Case is dismissed.

Consequently, connected Miscellaneous Petition is closed.

04.07.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/ No
trp

To

1. The Judicial Magistrate,
Fast Track Court at Magisterial Level,
Palani.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K. RAMAKRISHNAN. J.,

trp

Order made in
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Crl.M.P(MD).No.7996 of 2023

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