



Crl.O.P.(MD)No.14298 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.14298 of 2023

and

Crl.M.P(MD).No.11222 of 2023

John Adaikalam (Dead)
Jesintha

... Petitioner

Vs.

T.Leons Lettizia Thangam
W/o.J.Velankanni Sekar,
Kamaraj Middle School,
Therku Kallikulam(Post)
Radhapuram Taluk,
Tirunelveli District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order passed by the learned Judicial Magistrate, Valliyoor, Tirunelveli District in Crl.M.P.No.185 of 2023 dated 20.04.2023 and consequently, direct the respondent to produce the documents mentioned in the petition.

For Petitioner : Mr.M.Gregory Retna Raj



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., to set aside the order passed by the learned Judicial Magistrate, Valliyoor, Tirunelveli District in Crl.M.P.No.185 of 2023 dated 20.04.2023 and consequently, direct the respondent to produce the documents mentioned in the petition.

2. The petitioner has filed a complaint against the respondent for the offence under Section 138 of Negotiable Instrument Act in C.C.No. 94 of 2020 pending on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District. The petitioner has filed a petition under Section 91 of Cr.P.C in Crl.M.P.NO.185 of 2023, to produce the documents Viz., marriage register and bank documents, which contains the respondent's signature. Without considering the necessity of those documents, the learned Judicial Magistrate, Valliyoor, Tirunelveli District has dismissed the petition on 20.04.2023.

3. The learned counsel for the petitioner submitted that the petitioner has presented the cheque before the Bank and the same was returned for the reason that "Drawer's Signature Differs". He further



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submitted that only to prove the respondent's signature, the above said petition has been filed.

4. For the purpose of proving the case, the petitioner has filed the above said application for recalling and produce some documents before the trial Court. The trial Court observed in the order that the above said documents are not acceptable. The duty of the petitioner is to prove his case through the sufficient documents. Therefore, one more opportunity must be given to the petitioner to prove his case. On that ground, this petition is liable to be allowed.

5. In the result, this Criminal Original Petition is allowed and the order passed by the learned Judicial Magistrate, Valliyoor, Tirunelveli District in CrI.M.P.No.185 of 2023 dated 20.04.2023 is set aside. Therefore, the trial Court is directed to issue the summon to the necessary parties and complete the process as expeditiously as possible. Consequently, the connected miscellaneous petition is closed.

04.08.2023

Index : Yes / No
Internet : Yes / No
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To

The learned Judicial Magistrate,
Valliyoor,
Tirunelveli District



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G.ILANGOVA,J

tta

Order made in

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