



Crl.O.P.(MD) Nos.21791 to 21796 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.O.P.(MD) Nos.21791 to 21796 of 2023
and Crl.M.P(MD) Nos.17049, 17051 to 17055 of 2023

In all petitions:

P.K.Ravichandran

... Petitioner

Vs

M/s.Karkuzazi Motor Finance,
Rep by its Working Partner R.Kathiresan

... Respondent

COMMON PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. praying this Court to call for the records and set aside the order dt 03.10.2023 passed by the learned Principal District cum Sessions Judge at Karur in Crl.R.C.No.10/2023 to Crl.R.C.No.15/2023 and thereby allow the reliefs sought for in the Criminal Revision Case.

For Petitioner : Mr. T.K.S.Gandhi



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ORDER

These Criminal Original Petitions have been filed to call for the records and set aside the order, dated 03.10.2023 passed by the learned Principal District cum Sessions Judge at Karur in Crl.R.C.No.10/2023 to Crl.R.C.No.15/2023 and thereby allow the reliefs sought for in the Criminal Revision Case.

2.The petitioner is facing charges under Section 138 of NI Act based on the complaints given by the respondent. During trial process, the petitioner had filed an application under Section 91 of Cr.P.C seeking a direction of trial Court to issue summons to the Income Tax Department Official, who was examined as DW 1 to produce the documents such as

1. Soft copy of CPU from computer(s) and hard disk(s) maintained by the complainant.
2. Original Ledger Books of M/s.Karkuzazi Motor Finance during the period from the year 01.01.2010 to 31.12.2017.
3. Income Tax Returns of M/s.Karkuzazi Motor Finance during the periods, 2011-12, 2012-13, 2013-14, 2014-15 and 2015-16 (since the



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IT returns for the periods 2010-11, 2016-17 and 2017-18 are already available on the file of this Court.

4. Balance sheet of M/s.Karkuzazi Motor Finance during the periods 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17 and 2017-18.
5. Copies of all other materials/documents which were seized and are alleged to be maintained by the complainant.

That application was dismissed by the trial Court, on the ground that the petitions have been filed by the petitioner only to drag on the proceedings. Against the said order, a revision was filed before the Principal District cum Sessions Judge at Karur by filing C.R.P.Nos.10 to 15 of 2023. The same was partly allowed by permitting the petitioner to summon the Doc.No.3 and 4 and in respect of other documents, the order of dismissal by the trial Court was confirmed.

3.The learned counsel for the petitioner would submit that he do not press the petition in respect of Doc.No.5 alone. However, he is pressing for order in respect of Doc.Nos.1 and 2.



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4.The learned counsel for the petitioner is referring the evidence given by D.W.4 namely, the Income Tax Officer attached to Karur that he admitted in his evidence that he has seized the CPU and other ledger books from the premises of the complainant. The complainant also admitted the same in his counter.

5.From the reading of the orders made in the revision, it is seen that there is no reason assigning for rejection of the claim made by the petitioner. Since it was admitted by DW4 and complainant, these petitions are liable to be allowed in respect of Doc.Nos.1 and 2 alone. The petitioner is not pressing the petitions with respect to Doc.No.5.

6.Accordingly, the impugned order, dated 03.10.2023 is set aside and these petitions are partly allowed in respect of Doc.Nos.1 and 2. Consequently, connected miscellaneous petitions are closed.

05.12.2023

NCC:Yes/No
Internet:Yes/No
Index:Yes/No
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G.ILANGOVA, J.

PNM

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05.12.2023