



Crl.O.P.No.1225 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1225 of 2024

and

Crl.M.P.No.889 of 2024

1.M/s.Lomash Slurry Tech Private Limited,
Represented by Directors/Authorised Signatories,
Anirudh Lal & Rohit Singh,
B-7, First Floor, Back Portion,
Sector 07, Gautam Buddha Nagar,
Noida, Uttar Pradesh – 201 301.

2.Anirudh Lal

3.Rohit Singh

... Petitioners

Vs.

M/s.IWL India Limited,
W 360, North Main Road,
Anna Nagar, West Extension,
Chennai – 600 101,
Represented by N.Ravi Kumar,
Assistant Accounts Manager

...Respondent

Criminal Original Petition under Section 482 of the Criminal
Procedure Code to set aside the order dated 05.01.2024 passed in



Crl.O.P.No.1225 of 2024

Crl.M.P.No.52493 of 2023 by the learned XXV Metropolitan Magistrate, At Egmore, Chennai.

For Petitioners : Mr.K.M.Kalicharan

ORDER

This Criminal Original Petition has been filed challenging the order passed by the Court below dismissing the application filed by the petitioners under Section 91 of Cr.PC wherein the petitioner had sought for a direction to the respondent to furnish certain documents.

2. This Court has carefully heard the submission of the learned counsel for the petitioner and the materials placed before this Court.

3. The petitioners are facing trial for offence under Section 138 of the Negotiable Instruments Act. The case was at the stage of defense evidence. The 3rd petitioner examined himself as DW1 and marked certain documents and he was also cross-examined. At that stage, an application came to be filed by the petitioners for a direction to the respondent / complainant to furnish certain documents in order to correlate the same with



Crl.O.P.No.1225 of 2024

the entries that have been made in the ledger. The above application was resisted by the respondent on the ground that the petitioners are attempting to drag on the proceedings and that those documents are available with the petitioners and therefore, the respondent had sought for dismissal of the application.

4. The Court below on considering the rival claims, was pleased to dismiss the application by an order dated 05.01.2024. Aggrieved by the same, the present Criminal Original Petition has been filed before this Court.

5. In the considered view of this Court, the petitioners have made an attempt for directing the respondent to furnish certain documents. According to the petitioners, these documents alone can establish the liability that is claimed by the respondent. If ultimately, the respondent is not willing to furnish those documents, it will always be left open to the petitioners to take the ground of adverse inference before the Court below. Ultimately, it is left open to the Trial Court to deal with the same on its own



Crl.O.P.No.1225 of 2024

merits and in accordance with law at the time of appreciation of evidence.

Except giving this clarity, no further orders can be passed in this Petition.

6. This Criminal Original petition is disposed of in the above terms. Consequently, the connected miscellaneous petition is closed.

23.01.2024

rka

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No



WEB COPY



Crl.O.P.No.1225 of 2024

N.ANAND VENKATESH,J

rka

To
The XXV Metropolitan Magistrate,
Egmore, Chennai.

Crl.O.P.No.1225 of 2024
and
CrL.M.P.No.889 of 2024

23.01.2024