



WEB COPY



Crl.R.C.No.248 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2024

CORAM:

**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

**Crl.R.C.No.248 of 2024**

**and**

**Crl.M.P.No.2313 of 2024**

Kunjan @ P.Krishnan

... Petitioner/Accused

Vs.

A.Madhuraiveeran

... Respondent/complainant

**Prayer:** Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to call for records of the order passed in Crl.M.P.No.3053 of 2023 dated 13.12.2023 in C.C.No.626 of 2018 pending on the file of the learned Judicial Magistrate Fast Track I and set aside the same.

For Petitioner : Mr.S.Anand Venkatesh

### **ORDER**

This revision has been filed seeking to set aside the order passed in Crl.M.P.No.3053 of 2023 dated 13.12.2023 in C.C.No.626 of 2018 pending on the file of the learned Judicial Magistrate, Fast Track Court No.I, Coimbatore.



Crl.R.C.No.248 of 2024

WEB COPY

2.The petitioner is an accused in C.C.No.626 of 2018 on a private complaint lodged by the respondent for offence under Section 138 of the Negotiable Instruments Act. The respondent filed a petition before the Lower Court in Crl.M.P.No.3053 of 2023 to mark additional documents, viz., (i) Promissory Note dated 16.06.2014, (ii) Loan Agreement Deed (Kadan Oppantha Pathiram) dated 16.06.2014 and (iii) Sale Deed dated 17.09.2007 in the name of accused.

3.The contention of the learned counsel for petitioner is that these three documents were not filed along with the complaint and no reason given as to why these documents could not be filed along with the complaint. The Trial Court without sufficient reason and explanation from the complainant allowed the petition to receive three documents, against which, the petitioner filed this present revision.



Crl.R.C.No.248 of 2024

WEB COPY

4.The further contention of the petitioner is that the petitioner is suffering from Neuro problem, consulting psychologist and taking treatment regularly and under medication. The petitioner citing medical grounds filed a petition under Section 309 of Cr.P.C. before the Trial Court. The Trial Court not considered the same and dismissed the Section 309 Cr.P.C. petition and proceeded to pass the impugned order. The further contention of the petitioner is that the petitioner is disputing genuineness of these three documents and according to him all are got up documents.

5.The learned counsel for petitioner fairly submitted that the trial in this case is to commence on 20.02.2024. In view of the same, the Trial Court shall consider the petitioner's objection while marking of these three documents or any other document at the time of marking, subject to the admissibility of the document and proceed with the trial.



WEB COPY



Crl.R.C.No.248 of 2024

**M.NIRMAL KUMAR, J.**

rsi

6.With the above directions, the Criminal Revision Case is disposed of. Consequently, connected miscellaneous petition is closed.

14.02.2024

Index : Yes/No

Internet : Yes/No

Speaing order/Non-speaking order

rsi

**Note: Issue order copy on 15.02.2024.**

To

The Judicial Magistrate,

Fast Track Court No.I,

Coimbatore.

**Crl.R.C.No.248 of 2024**

**and**

**Crl.M.P.No.2313 of 2024**