



CRL.O.P No.3286 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.3286 of 2024
and Crl.MP.No.2394 of 2024

S.Kavitha

...Petitioner

Vs.

K.Arumugam

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to set aside the order dated 20.12.2023 passed in C.M.P.No.2995 of 2023 in C.C.No.177 of 2019 on the file of the Judicial Magistrate, Fast Track court, Tiruvannamalai.

For Petitioner

: Mr.P.S.Kothandaram

ORDER

This petition has been filed challenging the order passed by the Court below in CMP.No.2995 of 2023 in C.C.No.177 of 219 dated



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20.12.2023, dismissing the application filed under Section 91 of Cr.P.C, wherein the petitioner wanted to call for the application form relating to Savings Bank Account standing in the name of the petitioner.

2. This Court has carefully considered the submissions of the learned counsel for the petitioner and the materials available on record.

3. The petitioner is facing trial before the Court below for the offence under Section 138 of the Negotiable Instruments Act. The case is now at the stage of examining witnesses. At this stage, the petitioner has filed an application under Section 91 of Cr.P.C. to call for the application form relating to the Savings Bank Account standing in the name of the petitioner.

4. The petitioner filed such an application on the ground that she never opened any account and that her husband had misused the name of the petitioner and opened the Bank account.



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5. It is seen from the order passed by the Court below that this Bank account was opened in the year 2011. Thereafter, the petitioner takes a stand in the year 2023 that she is not aware about the Bank account. If really the petitioner did not open such a Bank account and it was done behind her back by her husband, the first thing that the petitioner should have questioned is that the signature found in the cheque is not that of the petitioner. Till date, this has not been done by the petitioner. Therefore, the claim made by the petitioner is totally unbelievable and this Court does not find any reason to interfere with the order passed by the Court below.

6. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

22.02.2024

Index: Yes/No
Internet: Yes/No
pvs



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To

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1. The Judicial Magistrate,
Fast Track court, Tiruvannamalai
2. The Public Prosecutor,
High Court, Madras



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N.ANAND VENKATESH.J.,

pvs

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