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Crl. O.P. No. 4486 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl. O.P. No.4486 of 2024

and

Crl.MP.No.3295 of 2024

S.Kangalakshmi

... Petitioner

Vs.

S.V.Kasturi Rangiah

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the order passed in Crl.MP.No.57226 of 2023 in STC.No.1918 of 2021 by the Metropolitan Magistrate (FTC-2), Egmore, Allikulam, Chennai-3 and set aside the same.

For Petitioners : Mr.J.Nagarajan

For Respondent : Mr.N.Easwaran

ORDER

This Criminal Original Petition is filed by the accused, being aggrieved by the order of the learned Metropolitan Magistrate, partly disallowing this petition filed under Section 254(2) Cr.P.C. The petitioner is facing trial for the offence under Section 138 of Negotiable Instruments



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Act has filed an application to summon three witnesses and examining them regarding payments made to the complainant. One is Venkatesan who is employee of the petitioner and the other two witnesses are the Bank Managers of the complainant's company and the accused. The trial Court after considering the facts has allowed the application in so far as the witness by name Venkatesan to speak about the transaction and as far as Bank Manager is concerned for proving the payment through g-pay. It has been observed that examination of Bank Manager is not necessary and same can be proved through other documents and witnesses.

2. Heard the learned counsel for the petitioner as well as the learned counsel for the respondent.

3. This Court finds no error in the order passed by the trial Court declining the application to summon the Bank Manager. If at all the petitioner wants to prove his payments regarding discharge of his liability arose, which is subject matter of the cheque, the same can be proved through other means, particularly, by producing this bank statement. It is stated that considering the petition filed under Section 315 of Cr.P.C by the accused, now the case is posted for arguments.

4. This Court is of the view that the petitioner can introduce the



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documents while he is examined as witness to prove the payment
affording opportunity to the complainant to confront the document.

5. With this observation, this Criminal Original Petition is disposed
of. Consequently, the connected miscellaneous petition is closed.

15.07.2024

Vv

To

1. The Metropolitan Magistrate(FTC-2),
Egmore, Allikulam, Chennai-3
2. The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.

Vv



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**Crl. O.P. No. 4486 of 2024
and
Crl.MP.No.3925 of 2024**

15.07.2024