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Crl.R.C.No.389 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.389 of 2024
and
Crl.M.P.No.3542 of 2024

A.Aruna

... Petitioner

Vs.

Manimangala Finance
Rep.by its Manager cum Partner,
K.Sathyannarayanan,
No.88B, Udayar Complex,
Adjacent to Court Complex,
Vinayagapuram,
Athur Taluk,
Salem District

... Respondent

PRAYER: Criminal Revision is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records and set aside the order dated 01.02.2024 in Crl.M.P.No.179 of 2023 in STC.No.35 of 2021 on the file of the Judicial Magistrate Fast Track Court, Attur, Salem District.

For Petitioner : Mr.R.Prabakar

ORDER

This Criminal Revision Case is filed by the petitioner to set aside the order dated 01.02.2024 in Crl.M.P.No.179 of 2023 in STC.No.35 of 2021 on the file of the Judicial Magistrate Fast Track Court, Attur, Salem District.



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2. The petitioner is facing a trial in STC.No.35 of 2021 on a private complaint filed by the respondent for offence under Section 138 of Negotiable Instruments Act. He filed a petition under Section 254(2) of Cr.P.C., in Crl.M.P.No.179 of 2023 came to be dismissed by the trial Court vide order dated 01.02.2024. Against which, the present Criminal Revision Case is filed.

3. The contention of the petitioner is that the petitioner had filed the affidavit executed by one Chandran whom the petitioner had live in relationship and this affidavit would prove to probablise the defence of the petitioner and the petitioner has also produce the documents under examination under Section 313 Cr.P.C., and she had also needs to mark the FIR in Crime No.72 of 2020, in which, she is the defacto complainant. These two documents to probablise the defence of the petitioner, which needs to examine the Advocate and notary public who have attested the affidavit and the Inspector of Police, Kannankurichi Police Station, Salem. As regards the undertaking affidavit, the petitioner herself can handle these documents. This Court is of the view that examination of the notary public of the documents and the Inspector of Police, FIR is not required. Further, the petitioner has



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already produced her documents under Section 313 Cr.P.C., with the attendance circumstances. In view of the same, this Court is not inclined to allow the revision case.

4. Accordingly, this Criminal Revision Case is dismissed. Consequently, the connected Criminal Miscellaneous Petition is also dismissed.

07.03.2024

Speaking order/Non-speaking order
Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No

rpl

To

The Judicial Magistrate Fast Track Court, Attur, Salem District.



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M.NIRMAL KUMAR, J.

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