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CrI.O.P.No.4456 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.4456 of 2024

Saleem Ahmed

... Petitioner

Vs.

Sherly Shridhar

... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to set aside the order in CrI.M.P.No.10847 of 2023 dated 04.01.2024 in S.T.C.No.2635 of 2022 on the file of the Metropolitan Magistrate, FTC-III, Saidapet, Chennai.

For Petitioner : Mr.J.P.Ravivarman

ORDER

This criminal original petition has been filed challenging the order passed by the Court below in CrI.M.P.No.10847 of 2023 in S.T.C.No.2635 of 2022 dated 04.01.2024 dismissing the application filed under Section 91 of Cr.P.C. wherein the petitioner sought for direction to the respondent/ complainant to produce the income tax returns and the RTGS payment details.



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2.Heard the learned counsel for the petitioner and carefully perused the materials available on record.

3.The petitioner is facing trial for offence under Section 138 of the Negotiable Instruments Act. The examination of P.W.1 was completed and based on some answers that were given by P.W.1 during cross examination, the petitioner filed an application under Section 91 of Cr.P.C. to direct the respondent/ complainant to furnish the documents. The Court below dismissed the application and aggrieved by the same, the present petition has been filed before this Court.

4.The petitioner wanted the respondent to furnish the income tax returns and the RTGS payment details. This application was filed based on certain answers that were elicited from the respondent during cross examination. Ultimately, the respondent has taken a stand that the amount was lent to the petitioner only by way of cash and it was not reflected in the income tax returns and no RTGS payment was made to the petitioner. In the light of this stand taken by the respondent/ complainant, no useful purpose will be served in directing the respondent to furnish those documents.



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5.It is always left open to the petitioner to raise adverse inference against the respondent under Section 114(g) of the Evidence Act and the same will be considered by the Court below on its own merits on the facts and circumstances of the case and on appreciation of the evidence.

6.This criminal original petition is disposed of in the above terms.

28.02.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Metropolitan Magistrate,
FTC-III, Saidapet,
Chennai.

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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