



WEB COPY



Crl.O.P.Nos.5334 and 5348 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2024

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.Nos.5334 and 5348 of 2024
and Crl.M.P.Nos.3878 and 3905 of 2024

R.Senthilvel

.... Petitioner
in both Crl.O.Ps.

Versus

Anu Akshya Auto Finance,
Rep. by its Managing Partner,
T.Chidambarasamy
No.35-A, Sakthi Nagar,
Tharapuram Road,
Kangayam, Kangayam Taluk,
Tirupur District.

.... Respondent
in both Crl.O.Ps.

Prayer: These Criminal Original Petitions are filed under Section 482 of Cr.P.C. to set aside the order dated 11.01.2024 made in Crl.M.P.No.7088 and 7089 of 2023, respectively in S.T.C.No.174 of 2020 on the file of the Judicial Magistrate, Kangayam.



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For Petitioner : Mr.S.Angamuthu

For Respondent : Mr.M.Vignesh

ORDER

The petitioner herein, is the accused in a complaint under Section 138 of the Negotiable Instruments Act.

2. After completion of examining the witnesses, the petitioner has filed an application to reopen and recall P.W.1. The reason for such application is that during the cross examination of P.W.1, certain question being asked about the statement of accounts, income tax return and other documents with the witnesses admitted that it is available in the business premises namely, Anu Akshya Auto Finance. Therefore, the said application is filed to reopen and recall. However, the trial Court has dismissed the application stating that this petitioner, based on the response elucidated during the cross examination, filed an application under Section 254(2) Cr.P.C. to summon those documents, and that application is dismissed on



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17.03.2023 in Crl.M.P.No.7511 of 2022. Against this order, the accused filed Crl.R.C.No.1868 and Crl.M.P.No.17483 of 2023 and the same was dismissed on 08.11.2023. Therefore, while his claim to summon documents has already been dismissed by the trial Court and the same is confirmed by the High Court in the Revision, under the guise of reopen and recall P.W.1, the present petition is filed.

3. The reasons given by the trial Court is squarely in accordance with law and fact. Therefore, the dismissal of the application cannot be interfered in exercise of superintendent power or inherent power under Section 482 of Cr.P.C. and hence, these Criminal Original Petitions are dismissed.

12.06.2024

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To

The Judicial Magistrate, Kangayam.



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DR.G. JAYACHANDRAN, J.

asi

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