



Criminal Original Petition No.5029 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 04.03.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Criminal Original Petition No.5029 of 2024**

R.Aravind Ramalingam  
S/o.Ramasamy Gounder

... Petitioner

Vs.

K.Thirumalaisamy  
S/o.Kandhasamy Gounder

... Respondent

**Prayer:** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to set aside the order passed in CrI.M.P.No.188 of 2024 in STC No.585 of 2023 on the file of learned Judicial Magistrate II, Udumalpet, dated 31.01.2024.

For Petitioner : Mr.P.Narayana Prasadh

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**ORDER**

This Criminal Original Petition has been filed challenging the order passed by the Court below dismissing the application in



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Crl.M.P.No.188 of 2024 in STC No.585 of 2023 by order dated 31.01.2004 wherein the petitioner had sought for a direction to produce the complaint and the statement that were recorded by the police at Udumulpet Police Station.

2. This Court carefully heard the learned counsel for petitioner and perused the materials available on record.

3. The petitioner is facing trial for offence u/s.138 of the Negotiable Instruments Act. The case was at the stage of examining defence witnesses. Accordingly, the petitioner also examined certain witnesses. The petitioner, at that stage, filed an application u/s.91 Cr.P.C. seeking for production of complaint given by one Soundararajan and the statement that were recorded by the police from one Krishnan and Soundararajan.

4. The Court below took into consideration the fact that the petitioner had already examined one Soundararajan as one of the witness. While examining him as a witness, none of these facts pertaining to filing



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of complaint before the police and the statements recorded from Soundararajan and Krishnan, were put to the witness. Therefore, the Court below came to the conclusion that the application itself has been filed only to drag on the proceedings. This Court does not find any illegality or infirmity in the order passed by the Court and the same does not warrant interference of this Court.

In the result, this Criminal Original Petition is dismissed.

**04.03.2024**

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm

To

The Judicial Magistrate II,  
Udumalpet.



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**N.ANAND VENKATESH, J**

gm

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