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Crl.R.C.No.745 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C.No.745 of 2024
and
Crl.M.P.No..7000 of 2024

Dhanabagyam

... Petitioner

-Vs-

Jayachitra

... Respondent

Prayer: Criminal Revision Case filed under Section 397 and 401 of Code of Criminal Procedure, praying to set aside the order dated 02.02.2024 passed in Crl.M.P.No.10500 of 2023 in S.T.C.No.1594 of 2019 on the file of the Judicial Magistrate No.1, Krishnagiri.

For Petitioner : Mr.K.Thiruvengadam

ORDER

This Criminal Revision Case has been filed by the petitioner seeking to set aside the order passed by the learned Judicial Magistrate No.1, Krishnagiri made in Crl.M.P.No.10500 of 2023 in S.T.C.No.1594 of 2019 dated 02.02.2024.



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2. The case of the petitioner is that, he has filed a complaint u/s 138 of Negotiable Instruments Act, 1881 (in short 'the N.I. Act') in S.T.C.No.1594 of 2019 before the learned Judicial Magistrate No.I, Krishnagiri. Thereafter, Bank of Baroda initiated SARFAESI proceedings as against the complainant and brought the property for auction. Apart from that, the property in which the petitioner and the respondent were doing business in the name and style of 'Jeyam Mega Mart', the landlord filed RLTOP No.1 of 2020 on the file of District Munsiff Court, Hosur in which order dated 21.09.2022 has been passed. In order to mark documents relating to SARFAESI proceedings and order in RLTOP No.1 of 2020, the petitioner has filed a petition in Crl.M.P.No.10500 of 2023 in S.T.C.No.1594 of 2019, which was dismissed. Challenging the same, the present petition has been filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that both the said documents were secured by the petitioner only after filing of complaint u/s 138 filed by him and the said documents are very much relevant to decide the complaint u/s N.I. Act. However, the trial court on



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various reasons dismissed the petition, which is wholly unsustainable.

Accordingly, he prays for appropriate orders.

4. When this court posted a question to the learned counsel appearing for the petitioner that in what way the SARFAESI proceedings and order in RLTOP No.1 of 2020 relevant to decide the complaint u/s 138 of N.I. Act in S.T.C.No.1594 of 2019, the learned counsel appearing for the petitioner has no proper answer. Therefore, the trial court has arrived at a conclusion that those document are not necessary to decide the 138 N.I. Act complaint, which is wholly sustainable and the same does not require any interference.

5. Accordingly, the Criminal Revision Case is dismissed.
Consequently, the connected criminal miscellaneous petition is closed.

26.04.2024

Index : Yes/No
Speaking order / Non-speaking order
NCC : Yes/No
sp

To

The Judicial Magistrate No.1, Krishnagiri.



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M.DHANDAPANI, J.

sp

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