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Crl.R.C.No.700 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

Crl.R.C.No.700 of 2024

Uma

... Petitioner

Vs.

Praful Kumar Daga

... Respondent

Prayer: Criminal Revision case has been filed under Section 397 r/w 401 of Cr.P.C, to call for the entire records of the order dated 07.03.2024 passed by the learned XXV Metropolitan Magistrate, Egmore, Chennai in Crl.MP.No.9828 of 2024 in STC. No.7460 of 2022 and set aside the same.

For Petitioners : Mr.M.Rajeswaran

ORDER

This revision has been filed seeking to quash the order dated 07.03.2024 passed by the learned XXV Metropolitan Magistrate, Egmore, Chennai in Crl.MP.No.9828 of 2024 in STC. No.7460 of 2022.

2. The petitioner is arrayed as accused in STC. No.7460 of 2022 filed by the respondent for the offence under Section 138 of NI Act before the learned



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XXV Metropolitan Magistrate, Egmore. The petitioner is owned a company in the name and style of M/. Aarthi Constructions Private Limited which was formed in the year 2011 and the petitioner had sought for financial help from the respondent for her business needs. Due to various reasons, the petitioner company was shut down. At the instigation of the respondent, the petitioner has given blank cheques, promissory note, bond paper and empty papers as security to respondent for the loan. Thereafter, in the year 2016, the petitioner has settled entire loan with the respondent. However, the respondent has issued legal notice dated 18.07.2022 to the petitioner claiming that the cheques given by the petitioner had been dishonoured and asked to repay the loan amount and subsequently, the respondent filed a private complaint before the concerned Court. During pendency of the petition, the petitioner has filed a petition in Crl.MP.No.9828 of 2024 praying to issue summon to the defense witnesses. The trial Court has also allowed the petition in part by summoning the witnesses Archana Dhaga and Manivannan and denied the rights of summoning the witness DW2 Alok Jawar, who is the owner of RS Traders and DW3 Bank Manager. Challenging the same, the present petition has been filed.

3. The learned counsel for the petitioner submitted that in order to



adduce the defense evidence, it is just and necessary to examine the defense witnesses. Without considering the entire fact, the trial Court had rejected the petitioner's request, which is not sustainable and this Court may quash the order and allow this petition.

4. Heard the learned counsel for the petitioner and perused the documents available on record.

5. On a perusal of records, it is seen that the petitioner has not raised any question with the complainant during the cross examination and also he has not disputed in 313 proceedings. Since, he has filed a petition before the learned Magistrate only at the time of defence evidence, which clearly shows that only to protract the case, he has filed this petition. Without any averment stated in the complaint with regard to necessity of examination of one Alok Jawar and the Bank Manager, hence, without any necessity or importance, examining them for un-nessary.

6. The trial Court has elaborately discussed the issue and rejected the petitioner's request. This Court does not find any perversity in the order passed



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by the Court below and there is no merit in the revision.

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M.DHANDAPANI.J.

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7. In the result, the Criminal Revision is dismissed.

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Index:Yes/No

Speaking/Non speaking order

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To

1.The XXV Metropolitan Magistrate, Egmore, Chennai

2.The Public Prosecutor,
High Court, Madras.

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