IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.10244 of 2024
and
Crl.M.P.No.7027 of 2024

M.Vaithisubramanian ... Petitioner

Vs.

Narayanaswamy ... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to set aside the order passed in Crl.M.P.No.21174 of 2023 in C.C.No.12308 of 2010 dated 19.01.2024 by the FTC- V M.M., Saidapet, Chennai.

For Petitioner : Mr.R.Rajarathinam, Sr.counsel
for Mr.Sriraam

For Respondent : No appearance

O R D E R

This Criminal Original Petition is filed to set aside the order passed by the V Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.No.21174 of 2023 in C.C.No.12308 of 2010

2. The petitioner being aggrieved by the order passed by the trial Court which has partially allowed 91 Cr.P.C., petition filed by the accused is before this Court stating that the trial Court has failed to see the petition filed under Section 91 of Cr.P.C., contains no reason to call for the personal documents of the complainant. The accused did not cross examine the complainant with regard to those documents.

3. The perusal of the impugned order indicates that the petitioner/accused has sought for production of pan number and income tax return of the complainant for the period 2007 to 2011. The bank account number and statement for the said period, fees received with details from Dhanus Technologies. The trial Court had partly allowed the petition for production of income tax statement for the period 2008-2009, the bank pass book for the period 2008-2009 alone, rest of the documents sought to be produced were disallowed. In sofar as the income tax statement and bank pass book for the relevant period cannot be taken as a personal records of the petitioner, wherein, he can seek privacy. Dispute arising out of money transaction and wherewithal to advance money is now questioned by the complainant and therefore, the trial Court has rightly partly allowed the petition filed under Section 91 of

Cr.P.C., for production of income tax alone.

4. This Court finds no reason to interfere with the order, hence this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is also dismissed.

30.07.2024

Index : Yes/No
Neutral Citation : Yes/No
rpl

To

The Fast Track Court, V Metropolitan Magistrate, Saidapet, Chennai.

Dr.G.JAYACHANDRAN,J.

rpl

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