



WEB COPY



Crl.OP.No.10320 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.10320 of 2024

and

Crl.MP.No.7072 of 2024

Velmurugan

... Petitioner

Vs.

J. Ravichandran

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the order in Crl.MP.No.3225/2023 in STC.No.1641/2021 dated 06.03.2024, on the file of the Judicial Magistrate III at Salem and set aside the same.

For Petitioner : Mr.S.Saravanan

ORDER

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



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2. The Bank Manager of the complainant been examined and certain facts been elucidated. While so, alleging that few more documents have to be produced and the witness to be re-called, the complainant has filed petition under Sections 91 and 311 of Cr.P.C. The trial Court after considering the reasons stated in the petition has recorded that the Bank Manager was summoned and examined on 30.06.2023 as D.W.1. The petitioner/accused has cross-examined him. For the question whether he has got the bank register in connection with the account of the complainant, the respondent replied that he has not brought the register as the summons issued to him did not mention about the register.

3. The learned counsel appearing for the petitioner states that in the process memo specifically it has been mentioned that the witness should produce the details of inward register and outward register extract for the period from 01.08.2020 to 31.08.2020. While so, the witness having failed to produce the said document has to be re-called. However, the trial Court has overlooked the said fact and dismissed the petition by stating that the process fee memo filed along with Section 311 petition does not mention about the registers. Therefore, P.W.1 had not brought the documents.



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4. The learned counsel appearing for the petitioner states that the process fee memo filed along with petition under Section 91 of Cr.P.C clearly indicates that earlier list out three documents required to be produced by the Manager, ICICI Bank, Shevapet and one such document is the details of inward register and outward register extract for the period from 01.08.2020 to 31.08.2020. While so, the Court below has erred in stating that inward registers were not called for .

5. This Court after perusing the records finds that the Bank Manager been called as defence witness for two reasons i) to elucidate whether there is any material alteration in the instrument and 2) for what purpose the cheque was dishonoured. These questions been answered by the Bank Manager based on the record. The other documents which are now sought to be called for have no relevance to the case on hand and therefore order of the trial Court dismissing the application to produce documents need not be interfered, though the reason given was not proper. Hence, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

29.04.2024

Vv



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Dr.G.JAYACHANDRAN,J.

Vv

To

1. The Judicial Magistrate- III
Salem

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