



Crl.O.P.No.11129 of 2023

In the High Court of Judicature at Madras

Dated : 06.3.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Criminal Original Petition No.11129 of 2023
& Crl.M.P.Nos.6994 & 6995 of 2023

G.Balasubramanian

...Petitioner

Vs

A.R.Manikandan

...Respondent

PETITION under Section 482 of the Criminal Procedure Code praying to call for the entire records and set aside the order dated 23.3.2023 passed by the learned Special Judicial Magistrate for Exclusive Trial of Land Grabbing Cases, Salem in Crl.M.P.No.1411 of 2022 in S.T.C.No.44 of 2018.

For Petitioner : Mr.S.Senthil
For Respondent : Ms.K.Jeevitha for
Mr.R.Nalliappan

ORDER

This is a petition filed by the petitioner challenging the order dated 23.3.2023 passed by the Court below in Crl.M.P.No.1411 of



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2022 in S.T.C.No.44 of 2018 dismissing the miscellaneous petition filed under Section 91 of the Criminal Procedure Code to summon the original cheque from this Court in the proceedings that are pending in A.S.No.942 of 2020.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

3. On carefully reading the order passed by the Court below, it is seen that earlier, a similar application was filed in Crl.M.P.No.1798 of 2019 to send for the original cheque along with some other documents and it was dismissed on 18.7.2019. That apart, the petitioner had also filed a memo before the Court below to call for the original cheque and the memo was rejected by the Court below by order dated 20.12.2022. Thereafter, the present miscellaneous petition came to be filed before the Court below seeking for the very same relief.

4. In the impugned order, the Court below made a remark that at the time when the copy of the cheque was marked as Ex.P.1, the petitioner did not even raise his little finger objecting for the same. In



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the considered view of this Court, the impugned order passed by the Court below does not suffer from any illegality or infirmity warranting interference of this Court. It is quite clear that the present miscellaneous petition has been filed by the petitioner only to drag on the proceedings.

5. Therefore, the above criminal original petition is dismissed. There shall be a direction to the Court below to complete the proceedings in S.T.C.No.44 of 2018 within a period of two months from the date of receipt of a copy of this order. Consequently, the connected Crl.M.Ps. are also dismissed.

06.3.2024

To

1.The Special Judicial Magistrate for
Exclusive Trial of Land Grabbing
Cases, Salem.

2.The Public Prosecutor,
High Court, Madras.

RS



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N.ANAND VENKATESH,J

RS

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