



Crl.OP.No.12951 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.12951 of 2024

and

Crl.MP.No.7883 of 2024

K.Arun Kumar

... Petitioner

Vs.

K.Anandakumar

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 15.12.2023 in Crl.MP.No.7843 of 2023 in C.C.No.990 of 2018 on the file of Judicial Magistrate, Fast Track Court at Magisterial Level II, Coimbatore.

For Petitioner : Mr.R.Rajarajan

For Respondent : No Appearance

ORDER

The petitioner is an accused in a private complaint initiated under Section 138 of Negotiable Instruments Act. He is aggrieved by the order passed by the trial Court which has allowed, application filed by the



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complainant to receive additional document namely, the Bank Statement of the complainant which discloses the transaction with the accused and the cheque which is the subject matter of the complaint.

2. The learned counsel appearing for the petitioner/accused submitted that this application to receive additional document is with an intention to fill up the lacuna in the complainant's case.

3. The learned counsel submitted that, the application to receive additional document been filed for the purpose of delaying the inevitable. In any event, the evidence of the Bank Manager or the Bank Statement is not necessary to decide the issue.

4. The learned counsel also submitted that when the complaint refers about the Bank Statement, but, document not filed along with the complaint, the same cannot be sought to be introduced at the fag end of the trial.



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5. This Court on perusing the impugned order passed by the trial Court finds that if the objections raised by the accused been duly considered and thereafter the Court has to proceed to allow the application stating that the Bank Manager is summoned and examined before the Court, it will reveal the actual transaction between the parties and it would help the court to arrive at just conclusion.

6. From the daily status of the case, this Court finds that pursuant to the order passed allowing application under Section 311 of Cr.P.C on 15.12.2023, the case has been adjourned for the past six months. The petition challenging the order passed under Section 311 of Cr.P.C is presented before the High Court on 28.05.2024 and the same is taken up for admission today (10.06.2024). The delay is purely attributed to the conduct of the accused who is the petitioner herein. When there is no prejudice in taking the statement of account for consideration to decide the merits of the case, the accused cannot stand in the way the wisdom of the trial Court which has thought fit that the document is necessary to arrive at just decision. Hence, this Criminal Original Petition is dismissed.



2.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

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