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Crl.OP.No.14474 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.14474 of 2024

Palanisamy

... Petitioner

Vs.

Anbazhagan

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to allow this petition and set aside the order passed in C.M.P.No.7 of 2024 in STC.No.79 of 2022 on the file of the Judicial Magistrate (Fast Track Court) Magistrate Level, Athur dated 22.04.2024.

For Petitioner : Mr.C.K.M.Appaji

ORDER

The petitioner is an accused in a complaint registered under Section 138 of Negotiable Instruments Act. After completion of questioning under Section 313 of Cr.P.C, the petitioner has filed an application under Sections 240 and 254 of Cr.P.C for summoning the witnesses namely one Bharathi and another the Assistant Commissioner of Police.



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2. The trial Court after considering the reasons stated in the petition has partly allowed, to summon the said Bharathi, a private individual . Whereas the prayer to summon the Assistant Commissioner of Police who speak about the complaint given by Bharathi was declined , stating that if at all any document pertaining to the said enquiry is required, the petitioner can obtain certificate copy from the concerned authority and filed the same before the trial Court. Not being satisfied with the order, the present petition is filed.

3. This Court finds that even without clearly assigning any reasons why Bharathi to be summoned, the trial Court has thought fit that the examination of the said Bharathi is required for proper adjudication of the case and also had rightly held that if at all any document pertaining to enquiry conducted by the police officials is required certified copy may be obtained and produced. While so, when a proper and necessary reason is assigned to partly allow the application filed under Section 311 of Cr.P.C. There is no room to interfere the said order under Section 482 of Cr.P.C.

4. With the above observation, this Criminal Original Petition is dismissed.



Vv

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1. The Judicial Magistrate
(Fast Track Court) Magistrate Level,
Athur
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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