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CrI.O.P.No.13963 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRL.O.P.No.13963 of 2024

and

CRL.MP.No.8490 of 2024

Ramesh

... Petitioner

Vs.

Ravi

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order passed in CrI.MP.No.3 of 2024 in STC.No.65 of 2023 dated 26.04.2024 on the file of the Judicial Magistrate, Fast Track Court, Hosur.

For Petitioner : Mr.R.S.Maitreya

ORDER

The petitioner herein is the complainant in STC.No.65 of 2023 on the file of the Judicial Magistrate, Fast Track Court, Hosur, for offence under Section 138 of the Negotiable Instrument Act. In the course of cross examination, the petitioner has admitted that the title document of the accused and patta copy is with him and the same was given in his custody while the complaint subject cheque was given to him by the



Crl.O.P.No.13963 of 2024

accused. Relying upon his admitting the accused has taken out an application under Section 91 of Cr.P.C., for production of the documents. The trial court, after considering the counter and other relevant facts, allowed the application stating these documents are necessary for better adjudication of the case.

2. Being aggrieved, the complainant is before this court to set aside the said order stating that the impugned order tantamount the recovery of title document given in possession of the complainant as a lien over the loan and hand it over to the accused.

3. On perusal of the impugned order, this court finds that the trial court has directed to produce the document since it is required for proper adjudication of the compliant. Therefore, the apprehension of the petitioner that the documents will be given to the accused is baseless. However, it is made clear that any document produced by the petitioner/complainant pursuant to the summon issued under Section 91 of Cr.P.C., if in case to be returned back, it should to returned back only to the petitioner, who has produced from his custody and not to anyone else.



Crl.O.P.No.13963 of 2024

WEB COPY 4. With this clarification, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

14.06.2024

Index : Yes/No

Neutral Citation : Yes/No

gv

To

The Judicial Magistrate, Fast Track Court,
Hosur.

Dr.G.JAYACHANDRAN,J.



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Crl.O.P.No.13963 of 2024

gv

CRL.O.P.No.13963 of 2024
and
CRL.MP.No.8490 of 2024

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