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CrI.O.P.No.14245 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.14245 of 2024

Paulraj

... Petitioner

Vs.

Selvam

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the respondent to furnish the Document No.1-statements of accounts of State Bank of India in the name of the complainant from the year 2015 to 2022 and Document No.3-IT Returns of the respondent from the year 2010 to 2022, which has been partly allowed by the Judicial Magistrate Court-1, Namakkal in C.M.P.No.9793 of 2023 in C.C.No.228 of 2021 dated 08.12.2023.

For Petitioner : Mr.Deepan Uday

ORDER

The petitioner herein is the accused in complaint registered under Section 138 of Negotiable Instruments Act. In the course of trial, he has taken out an application for production of documents which alleged to be in possession of the complainant.

2. The said petition in C.M.P.No.9793 of 2023 was partly



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allowed. However, the complainant had filed a memo stating that the said document ordered to be produced is not in his possession. Being aggrieved, the present petition is filed under Section 482 Cr.P.C.

Section 91 Cr.P.C., reads as below:-

91. Summons to produce document or other thing

(1) Whenever any Court or any officer in charge of a police station considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order

(2) Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same”



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3. In case, if the person ordered to produce the document in exercise of power under Section 91 of Cr.P.C., he can express his reason for non production of the document. the person aggrieved cannot compel for production of the document any further, but can request the trial Court to draw adverse inference. This Criminal Original Petition is not maintainable hence dismissed.

20.06.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

The Judicial Magistrate Court-1, Namakkal.

Dr.G.JAYACHANDRAN,J.

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