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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

**Crl.OP.No.15489 of 2024
and
Crl.MP.Nos.9478 of 2024**

Baalraj

... Petitioner

Vs

S.Prasath

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order partially passed in Crl.MP.No.01 of 2023 in STC.No.888 of 2022 dated 22.02.2024 on the file of the Judicial Magistrate No.1, Namakkal (FAC) as illegal and incompetent.

For Petitioner : Mr.Deepanuday

ORDER

This petition is filed to set aside the order passed by the trial court in Crl.MP.No.01 of 2023 filed under Section 91 of Cr.P.C., Perusal of the records indicates that in a complaint initiated under Section 138 of



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the Negotiable Instruments Act, the accused has filed an application during the course of trial seeking protection of bank account and other documents of the complainant from the year 2015 - 2020. The trial court after considering the nature of the prayer and other evidences including the admission of the complainant, has restricted production of documents for the period 2018-2020. Being aggrieved, the accused is before this court contending that the trial court ought to have allowed the application in *toto* and should not have restricted it for the period 2019-2020.

2. This court on perusal of the complaint and the admission of the complainant in the cross-examination finds that the specific averments in the complaint is that on 18.09.2020, a sum of Rs.10 Lakhs was transferred under RTGS from the account of the complainant to the account of the accused. While so, there is no necessity for making any enquiry of the account of the complainant except the entry pertaining to the transfer of Rs.10 Lakhs from the account of the complainant to the account of the accused. However, the trial court has thought it fit that to arrive at a conclusion, the statement of accounts for the period of 2018-2020, is required. There can be no reason for collecting the records pertaining to the years 2015 - 2018 when there is no reference to any



transaction during that period. Hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

03.07.2024

Index: Yes/No
Speaking /Non-speaking Order
Gv

To

The Judicial Magistrate No.1,

Namakkal (FAC)



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Dr.G.JAYACHANDRAN,J.

gv

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