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Crl.O.P.No.24123 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM

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

Crl.O.P.No.24123 of 2024

and

Crl.M.P.No.13582 of 2024

P.Tharani

... Petitioner

Vs.

T.Sivanandam

... Respondent

Prayer: Criminal Original Petition is filed under Section 530 BNSS, pleaded to set aside the order dated 21.03.2024 in Crl.M.P.No.1273 of 2023 in S.T.C No.755 of 2020 passed by the learned Judicial Magistrate No.III, Salem

For Petitioner : Mr.S.Sivakumar

ORDER

The petitioner herein is the accused in a private complaint instituted under Section 138 of Negotiable Instruments Act.

2. To establish that the complainant has no wherewithal to lend Rs.13,50,000/-, the petitioner/accused has taken out an application under Section 91 of Cr.P.C., for production of documents such as pan card, IT returns etc.



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Dr.G.JAYACHANDRAN,J.

rpl

3. In the counter, the complainant has said that he holds pan card, but he has not filed IT returns. Therefore, the trial Court has held that it cannot direct a party to produce the documents which is not in existence and if necessary, can establish his case through cross examine the complainant. Challenging the said order, the present petition is filed.

4. However, the reasoning given by the trial Court is proper and legal. Hence this Criminal Original Petition is dismissed with liberty to the petitioner herein to establish his case through cross examining the complainant in the manner known to law. Consequently, the connected Criminal Miscellaneous Petition is closed.

30.09.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

The Judicial Magistrate No.III, Salem

CrI.O.P.No.24123 of 2024