



WEB COPY



Crl.O.P.No.20430 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM

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

Crl.O.P.No.20430 of 2024

and

Crl.M.P.No.11790 of 2024

1.T.Venkatesh

2.K.Thangavel

... Petitioners

Vs.

C.Arusamy

... Respondent

**Prayer:** Criminal Original Petition is filed under Section 482 Criminal Procedure Code/ Section 528 of BNSS Act, pleaded to call for the records in Crl.M.P.No.4156/2024 in C.C.No.471 of 2015 pending on the file of the learned Judicial Magistrate, Fast Track Court, Tiruppur set aside the order dated 31.07.2024 passed by the learned Judicial Magistrate, Fast Track Court, Tiruppur in Crl.M.P.No.4156 of 2024 in C.C.No.471 of 2015.

For Petitioners : Mr.R.Baskar

### **ORDER**

The petitioner herein is the accused in C.C.No.471 of 2015 arising out of offence under Section 138 of N.I.Act.



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**WEB COPY 2.** On completion of questioning the accused under Section 313 Cr.P.C., the petitioner has taken out an application to summon the Manager of the complainant's bank as well as the petitioner's bank and produce the accounts of the respective parties to establish the lending capacity of the complainant as well as the need of the accused to borrow the money. The trial Court has dismissed the application stating that by examining the bank Managers and perusing the accounts will neither prove lending capacity of the complainant nor the affluence of the complainant. Challenging the said order, the accused is before this Court.

**3.** This Court on perusing the impugned order is of the view that the reasoning given by the trial Court is absolutely consonance with the law and facts. The application under Section 254(2) Cr.P.C., filed to summon witnesses who are none other than the bankers of the respective parties, Magistrate has thought fit that there is no necessity to summon these two witnesses for production of statements of accounts, since it does not going to help in any way to arrive at a decision in this case. This Court finds that the order of the trial Court has to sustain. Hence this



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Criminal Original Petition is dismissed. Consequently, the connected

Criminal Miscellaneous Petition is closed.

**27.08.2024**

Neutral Citation : Yes/No  
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To

The Judicial Magistrate, Fast Track Court, Tiruppur



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**Dr.G.JAYACHANDRAN,J.**

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