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Crl.OP.No. 8872of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.8872 of 2024

and

Crl.MP.No.6326 of 2024

G.Geetha

... Petitioner

Vs.

1. M/s.Concept Homes India Pvt.Ltd.,
Rep.by its Managing Director,
Plot No.5206, Flat G2 and G3,
" Sai Keerthi", 10th Street,
Ram Nagar North Extension,
Madipakkam, Chennai-600 091.

2. Diana Brice, Director,
M/s.Concept Homes India Pvt.Ltd.,
Plot No.5206, Flat G2 and G3,
" Sai Keerthi", 10th Street,
Ram Nagar North Extension,
Madipakkam, Chennai-600 091.

3. Subramaniyan Sankaravel, Director,
M/s.Concept Homes India Pvt.Ltd.,
Plot No.5206, Flat G2 and G3,
" Sai Keerthi", 10th Street,
Ram Nagar North Extension,
Madipakkam, Chennai-600 091.

... Respondents



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Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, prayed to set aside the order dated 05.09.2023 passed in Crl.MP.No.4222 of 2023 in C.C.No.32 of 2022 on the file of Judicial Magistrate Fast Track Court (Magisterial Level) at Alandur and allow the above revision and render justice.

For Petitioner : Mr.D.Arun Kumar

ORDER

The petitioner herein is the complainant before the learned Judicial Magistrate Fast Track Court (Magisterial Level), Alandur in C.C.32 of 2022 filed under Section 138 of Negotiable Instruments Act.

2. Pending trial, the accused has taken out an application under Section 91 of Cr.P.C seeking production of the bank statement of the complainant.

3. The trial Court has thought fit that the bank accounts statement of the complainant maintained in ICICI Bank is necessary to arrive at conclusion whether the subject cheque was issued for any legally enforceable debt. Therefore, allowed the petition filed under Section 91 of Cr.P.C vide order dated 05.09.2023.



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4. The complainant herein alleging that there is a material irregularity in the order passed by the trial Court and it is contrary to settled position of law and also against Section 118 of Negotiable Instruments Act seeks interference of this Court to set aside the order under Section 91 of Cr.P.C is meant for the Court to call for any records which should be essential to arrive at just conclusion of the dispute before it under consideration.

5. In this case, during the chief examination of the complainant certain things have been elucidated that money was transferred to the accused from his bank account and the cheque was issued to repay the said money.

6. In the said context, the trial Court has thought fit that the bank account of the complainant has to be called for to verify whether such transaction took place.

7. This Court finds no reason to say that the said order is contrary to Section 118 of Negotiable Instruments Act or against any settled proposition of law. Neither there is any irregularity in the said order. The



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very purpose of Section 91 of Cr.P.C is to call for records related to the dispute but not placed before the Court by the party concern.

8. In this case, the bank account of the petitioner/complainant is related to the subject cheque, since there is an explicit admission by the complainant in his deposition that money was transferred through his bank account, there is every justification to summon the bank account. Hence the Criminal Original Petition is dismissed as devoid of merits. Consequently, the connected miscellaneous petition is closed.

Vv

12.04.2024

To

1. The Judicial Magistrate Fast Track Court
(Magisterial Level), Alandur
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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