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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.28246 of 2023
and Crl.MP.No.19668 of 2023

G.Palani

Petitioner/Petitioner/Accused

VS.

S.Dhanasekar

..Respondent/Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in STC.No.5279 of 2020 and to set aside the order dated 9.11.2023 in Crl.MP.No.41477 of 2023 in STC.No.5279 of 2020 on the file of XXV Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.V.Kasiviswanathan

ORDER

This criminal original petition has been filed challenging the order passed by the Court below dismissing the application filed under Section 91 Cr.PC., in Crl.MP.No.42477 of 2023 in STC No.5279 of 2023, by an order dated 9.11.2023, wherein the petitioner had sought for a direction to the Bank to produce the accounts statement for the period from October 2019 to March 2021.

2.This Court has carefully considered the submissions made by the learned counsel for the petitioner and the materials available on record.

3.The petitioner is facing trial before the Court below for offence under



Section 138 of the Negotiable Instruments Act. The petitioner filed an application under Section 91 Cr.PC for a direction to the Manager of Karur Vysya Bank, Anna Nagar Branch, Chennai, to produce accounts statement for the period from October 2019 to March 2021. This application was filed on the ground that the respondent/complainant had suppressed that he was having other bank accounts in various banks and he has opened the bank account at Karur Vysya Bank only for the sake of depositing the cheque given by the petitioner. The petitioner wanted to establish this suppression by marking the account statement maintained by the respondent/complainant at Karur Vysya Bank. The Court below has dealt with this issue and has given a finding to the effect that the document that is sought for by the petitioner will not in any way improve the defense of the petitioner and it is not a relevant fact insofar as the facts of the present case is concerned. The reasoning given by the Court below does not suffer from any illegality or infirmity warranting the interference of this Court.

4. In the light of the above discussion, this criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

04.01.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

XXV Metropolitan Magistrate, Egmore, Chennai.
Madras.

N. ANAND VENKATESH,. J.



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