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Crl OP No.29268 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.29268 of 2023
and Crl MP No.20269 of 2023

Mrs.Gowrishankar Sripriya

...Petitioner

Vs.

A.Shanmugasundaran

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records pursuant to the docket order of Fast Track Court No.1 at Magisterial Level, Coimbatore, made in CC No.347 of 2017 dated 12.12.2023, set-aside the same by allowing this Criminal Original petition.

For Petitioner

: Mr.P.Selvamani

ORDER

This Criminal Original petition has been filed challenging the docket order dated 12.12.2023 passed by the Court below rejecting the process memo that was filed by the petitioner for summoning the Sub-Inspector of Police, City Crime Branch, Coimbatore, as a witness in this case.

2. Heard the learned counsel for the petitioner and carefully



perused 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 respondent /complainant examined himself as PW1 and after completion of examination, the petitioner was also questioned under Section 313 (1) (b) of Cr.PC. While answering, the petitioner had stated that there are two witnesses to be examined on the side of the petitioner as defense witness. One of the witness that was stated by the petitioner is the Sub-Inspector of Police, CCB, Coimbatore. After giving such an answer, the petitioner thereafter filed a process memo before the Court below for issuing witness summons to the Sub-Inspector of Police, CCB, Coimbatore. This was rejected by the Court below on the ground that the petitioner did not even state the reason / relevancy as to why the Sub-Inspector of Police must be summoned as a witness. The Court below after hearing the learned counsel for the petitioner also found that the petitioner can very well mark the complaint / FIR while examining herself as a defense witness and it is not necessary to summon the Sub-Inspector of Police for this purpose.



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4. In the considered view of this Court, the docket order passed by the Court below does not suffer from any perversity or illegality. The petitioner wants to establish that there was a subsequent complaint given by the respondent against the petitioner before the CCB and the petitioner wants to mark that document before the Court to establish the defense. For this purpose, it is not necessary to summon the Sub-Inspector of Police and the petitioner herself can mark it while examining herself as defense witness. This will sufficiently take care of the defense raised by the petitioner. In view of the same, the order passed by the Court below does not warrant any interference.

5. In the result, this Criminal Original petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

03.01.2024

Index : Yes / No
Internet : Yes / No
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To
1. The Fast Track Court No.1



at Magisterial Level, Coimbatore.

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2. The Public Prosecutor,
High Court of Madras,
Madras.



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N.ANAND VENKATESH, J.,

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