



CrI.O.P.(MD) No.4921 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.01.2024

CORAM:

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

CrI.O.P.(MD) No.4921 of 2021

and

CrI.M.P.(MD).No.2797 of 2021

Yogesh

... Petitioner

Vs.

Mahesh Match Industries,
Represented through its Partner,
Varatharajan,
Door No.99, B/3, Naicker Street,
Kadalaiyur – 628 902,
Ettayapuram Taluk,
Thoothukudi District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in Cr.M.P.No.298 of 2021 dated 25.02.2021 and set aside the orders passed by the Fast Track Court (JM Level) Kovilpatti, Thoothukudi District.

For Petitioner : Mr.M.Prabu

For Respondent : Mr.S.Ponsenthil Kumaran



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ORDER

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Challenge in this Criminal Original Petition is made to the orders dated 25.02.2021 passed by the learned Fast Track Court (JM Level), Kovilpatti, Thoothukudi District in Cr.M.P.No.298 of 2021 in C.C.No.39 of 2017.

2. The petitioner is an accused in C.C.No.39 of 2017. The respondent filed a private complaint under Section 200 Cr.P.C against the petitioner herein for an offence punishable under Section 138 of Negotiable Instruments Act. After closure of the evidence on the side of the complainant, the case was posted for evidence on the side of the present petitioner/accused. At that juncture, the complainant filed an application under Section 311 Cr.P.C seeking to mark the following documents:

- (i) Statement of accounts of the respondent Company maintained with the State Bank of India.
- (ii) Ledger for the period 2014-2015.
- (iii) Invoices for sending matchstick bundles to the accused.

3. The learned Judicial Magistrate vide his orders dated 25.02.2021 allowed the said application, aggrieved over which the present Criminal Original Petition is filed.



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4. The learned counsel appearing on behalf of the petitioner would contend that the respondent complainant had filed the application in Crl.M.P.No.296 of 2021 under Section 311 Crpc only to fill up the lacuna and this aspect was not taken into consideration by the learned Judicial Magistrate. He therefore prayed for setting aside the order passed by the learned Judicial Magistrate.

5. Per contra, the learned counsel appearing for the respondent complainant would contend that the learned Judicial Magistrate after analyzing the entire case on record had come to a conclusion that the documents sought to be marked by the complainant are just and necessary and that the accused would not be prejudiced by the same.

6. In the instant case, the learned Judicial Magistrate has passed a well reasoned order and his observation that these documents cannot be stated to be filed for the purpose of filling up lacuna in the case of the complainant, is perfectly in order. Moreover, no prejudice would be caused to the accused and he can always cross-examine the complainant with regard to the documents which are sought to be marked. The observations made by the learned Judicial



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Magistrate are based on records and evidence. Hence, I do not see any reason to interfere with this petition.

7. Accordingly, this Criminal Original Petition is dismissed.
Consequently, connected miscellaneous is closed.

03.01.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R. HEMALATHA, J.

Nsr

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