



Crl.O.P.(MD)No.5358 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.5358 of 2023

Lakshmanan

... Petitioner

Vs.

Thangam

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in Crl.M.P.No.204 of 2024 in S.T.C.No.246 of 2021 on the file of the Special Court for Exclusive Trial of Negotiable Instruments Act, Tirunelveli, dated 06.01.2023 and set aside the same and allow this Criminal Original Petition.

For Petitioner

: Mr.C.Venkatesh

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed under Section 91 of Cr.P.C. wherein the petitioner wanted the respondent / complainant to produce certain documents.

2. Heard the learned counsel appearing for the petitioner and carefully went through the materials available on records.



3. The respondent / complainant filed a private complaint against the petitioner for the offence under Section 138 of the Negotiable Instruments Act, 1881. The respondent was examined as P.W.1 and he was also cross-examined on the side of the petitioner on 21.09.2022. The questioning under Section 313 (1) (b) of Cr.P.C. was also completed and the case was at the stage of final arguments. The complainant had already submitted their arguments and the case was posted for final arguments on the side of the petitioner / accused. At this stage, the petitioner filed an application under Section 91 of Cr.P.C. calling for certain documents regarding the account number of the complainant.

4. In the considered view of this Court, the application was filed by the petitioner with the sole intention of dragging on with the proceedings. It is quite surprising that the petitioner is asking for the account number of the complainant, when such account number will be very much available in the cheque that was marked in this case. In any event, the petitioner thought it fit to venture into such an exercise only when the case was at the stage of final hearing and the case was posted for final arguments on the side of the petitioner.



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5. The order passed by the Court below does not suffer from any illegality warranting interference of this Court.

6. In the result, the Criminal Original Petition is dismissed and there shall be a direction to the learned Special Judge for Exclusive Trial of Negotiable Instruments Act, Tirunelveli to dispose of S.T.C.No.246 of 2021 within a period of three months from the date of receipt of a copy of this order.

19.11.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1.The Special Court for Exclusive Trial of
Negotiable Instruments Act, Tirunelveli

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



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N.ANAND VENKATESH. J.

TSG

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