



CRL OP(MD). No.12802 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 12.02.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

**CRL OP(MD) No.12802 of 2022 and
CrI.M.P.(MD) No.8106 of 2022**

Mr.Kamlesh Kumar Sinha

... Petitioner

Vs

M/s. Redington (India) Limited,
Rep by Mr. Barani Yadav,
Legal Executive,
C-48 B, First Floor, 11th Cross Road,
Thillai Nagar, Trichy.

... Respondent

PRAYER :- Criminal Original Petition file under section 482 of Cr.P.C., to set aside the order passed in Cr.M.P.No.190 of 2022 in Stc.No.740 of 2018 dt. 13.04.2022 by the Judicial Magistrate No.IV, Tiruchirappalli and thereby pleased to allow the petition in Cr.M.P.No.190 of 2022 in STC. No.740 of 2018.

For Petitioner : M/s.R.S.Sivaram
For Respondent : Mr.S.Muthukrishnan

ORDER

To set aside the order dated 13.04.2022 passed in Cr.M.P.No.190 of 2022 in STC No.740 of 2018 by the Judicial Magistrate No.IV,



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Tiruchirappalli, this petition has been filed.

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2.The petitioner is the accused in STC No.740/2018. In order to summon the branch Manager, IDBI Bank, Kasi Palace Complex, Patna, Bihar and to produce the statement of accounts for certain period, the petitioner filed a petition under section 311 Cr.P.C. However, the said petition came to be dismissed by the court below and hence, the petitioner is before this court.

3. The learned counsel for the petitioner would submit that in order to prove his case, the petitioner has to necessarily summon and examine the branch manager and hence, prays this court to fix a date for examining the branch manager in chief and cross, on behalf of the defence.

4. However, the learned counsel for the respondent would submit that the branch manager is no way connected with the case and he would strongly oppose the petition.



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5. Considering the facts and circumstances of the case and considering the fact that mere examining the branch manager will not prejudice the complainant and the petitioner has every right to examine any witness as per Section 311 Cr.P.C. at any time and at any stage. Hence, in order to afford an opportunity to the petitioner herein to examine the branch manager in chief and cross, this petition is disposed of with the following direction:

The trial court shall issue notice to the branch manager, IDBI Bank, Kasi Palace Complex, Patna, Bihar, fixing the date of hearing as 04.03.2024 and on the said date, the petitioner herein shall cross-examine the said witness, in which case, the petitioner shall pay a cost of Rs.5,000/- (Rupees five thousand only) to the Branch Manager and the trial court shall close the defence witness on the said date and conclude the trial within a period of three months from the date of receipt of a copy of this order. Consequently connected Miscellaneous Petition is closed.

12.02.2024

NCC : Yes/No

Index : Yes/No

Office to Note: Order copy on 14.02.2024

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The Judicial Magistrate No.IV,
Tiruchirappalli



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M.DHANDAPANI. J

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**ORDER
IN
CRL OP(MD) No.12802 of 2022**

Date : 12.02.2024