



Crl.O.P.(MD)No.13042 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13042 of 2024

and

Crl.M.P.(MD)No.8034 of 2024

Lavanya

: Petitioner

Vs.

Mohammed Farook Jinna

: Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS., to call for the records of the impugned order passed in Cr.M.P.No.4938 of 2024 in S.T.C.No.357 of 2022 on the file of the learned Judicial Magistrate No.II, Fast Track Court (Magisterial Level) Madurai, dated 20.06.2024 and set aside the same.

For Petitioner : Mr.R.J.Karthik

ORDER

This Criminal Original Petition is directed against the order passed in Cr.M.P.No.4938 of 2024 in S.T.C.No.357 of 2022, dated 20.06.2024 on the file of the learned Judicial Magistrate No.II, Fast Track Court



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(Magisterial Level) Madurai, dismissing the petition filed under Section 91 of Cr.P.C.

2. It is evident from the records that the respondent has filed a private complaint under Section 200 of Cr.P.C., against the petitioner for the alleged offence under Section 138 of Negotiable Instruments Act. It is also seen that the complainant evidence was completed and when the case was pending for defence side evidence, the above application came to be filed for production of sale agreement, dated 19.02.2019. It is also evident from the records that the sale deed, which came to be executed in pursuance of the sale agreement came to be marked under Ex.D.1 and Ex.D.2 on the petitioner/accused side itself.

3. The main contention of the petitioner is that the defacto complainant while giving evidence would admit that he is having the custody of the sale agreement, but the learned trial Judge, referring the evidence has observed that the respondent in cross examination has only stated that if he finds the agreement, then he will produce the same.



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4. Considering the facts and circumstances of the case, the learned trial Judge has rightly observed that there is no need or necessity to call for the records and the above application is filed for causing delay and as such, this Court is in entire agreement with the finding of the trial Court. Hence, this Court concludes that the Criminal Original Petition is devoid of merits and the same is liable to be dismissed.

5. In the result, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

09.08.2024

NCC :Yes/No
Index :Yes / No
Internet :Yes / No
das

To

The Judicial Magistrate No.II,
Fast Track Court (Magisterial Level)
Madurai,



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CrI.O.P.(MD)No.13042 of 2024

K.MURALI SHANKAR,J.

das

Order made in
CrI.O.P.(MD)No.13042 of 2024
and
CrI.M.P.(MD)No.8034 of 2024

Dated: 09.08.2024