



CrI.O.P.(MD)No.13339 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.11.2024**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD) No.13339 of 2023

and

CrI.M.P.(MD) No.10406 of 2023

P.Ganapathy

... Petitioner

Vs.

D.John Irdhaya Kennady

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order passed by the Judicial Magistrate, Valliyoor in CrI MP No.1562/2023 dated 13.04.2023 in CC No.247 of 2017 and allow this petition.

For Petitioner : Mr.C.Susikumar

For Respondent : No appearance

ORDER

This petition has been filed challenging the order dated 13.04.2023, passed by the learned Judicial Magistrate, Valliyoor, in CrI.M.P.No.1562 of 2023 in C.C.No.247 of 2017, dismissing the application filed by the petitioner under Section 243(2) of Cr.P.C. read



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with Section 91 of Cr.P.C. to summon the Bank Manager of Indian Bank, Valliyoor Branch, in order to ascertain as to whether the petitioner has a bank account in this branch.

2.Heard the learned counsel for the petitioner and perused the materials available on record.

3.The respondent has filed a private complaint against the petitioner for offence under Section 138 of the Negotiable Instruments Act, 1881. The case is at the stage of examination of witnesses on the side of the petitioner. The petitioner filed the present application to issue summons to the Branch Manager of Indian Bank, Valliyoor Branch and directing him to produce the relevant records to establish that the petitioner does not have a bank account in Indian Bank.

4.In the instant case, the cheque issued by the petitioner has been returned with an endorsement “drawer's signature not as per mandate”. If really the petitioner does not have any bank account in the Indian Bank, Valliyoor Branch, it is not known as to how the petitioner



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has signed such a cheque without having any account in the Indian Bank,
Valliyoora Branch.

5.As held by the Court below, the present application has been filed only to drag on the proceedings and no useful purpose will be served summoning the Bank Manager for establishing the ground which is unsustainable.

6.In the light of the above discussion, this Court does not find any merits in this petition and accordingly, the same is dismissed. There shall be a direction to the learned Judicial Magistrate, Valliyoora, to dispose of C.C.No.247 of 2017 within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

21.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN



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To
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Learned Judicial Magistrate, Valliyoor.



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N.ANAND VENKATESH,J.

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Dated: 21.11.2024



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