



CRL OP(MD). No.16279 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 06.03.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

CRL OP(MD) No.16279 of 2022

Christopher Nirmal

... Petitioner

Vs

E.Narayanan

... Respondent

PRAYER :- Criminal Original Petition file under section 482 of Cr.P.C., to pleased to set aside the order, dated 18.08.2022 passed in Cr.M.P.No. 3124 of 2022 in C.C.No.494 of 2013 passed by the learned Judicial Magistrate, Valliyoor.

For Petitioner : Mr.S.Micheal Heldon Kumar

For Respondent : Mr.R.Saravanan

ORDER

This petition has been filed to pleased to set aside the order, dated 18.08.2022 passed in Cr.M.P.No.3124 of 2022 in C.C.No.494 of 2013 passed by the learned Judicial Magistrate, Valliyoor.



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2.The petitioner was implicated for the offence under Section 138 of the Negotiable Instruments Act in C.C.No.494 of 2013. While so, in order to examine the Inspector of Police, Valliyoor Police Station, Public Information Officer attached with the office of the District Superintendent of Police, Tirunelveli, and the Bank Manager, Indian Overseas Bank, Panagudi, the petitioner has filed a petition in Crl.M.P.No.3124 of 2022 in C.C.No.494 of 2013, which was dismissed by the learned Judicial Magistrate, Valliyoor, vide order dated 18.08.2022. Hence, the petitioner is before this Court with this petition.

3. The learned counsel for the petitioner would submit that it is necessary to examine the above officers to prove the petitioner's innocence, since there is no transaction between the petitioner and the respondent. Hence, he seeks for examination of the Inspector of Police, Valliyoor Police Station, Public Information Officer attached with the office of District Superintendent of Police, Tirunelveli, and the Bank Manager, Indian Overseas Bank, Panagudi. He would further submit that a direction may be issued for examination of above persons as additional witnesses, for which, the petitioner is ready to pay necessary costs.



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4. Considering the facts and circumstances of the case and in order to afford an opportunity to the petitioner herein to examine the said persons, this petition is disposed of with the following direction:

(i) The concerned trial Court shall issue notice to the Inspector of Police, Valliyoor Police Station, Public Information Officer attached with the office of District Superintendent of Police, Tirunelveli and the Bank Manager, Indian Overseas Bank, Panagudi, fixing the date of hearing. On the said date, the petitioner herein shall examine the said persons as additional witnesses, in which case, the petitioner shall pay a cost of Rs.3,000/- (Rupees Three Thousand only) to each of the additional witnesses.

06.03.2024

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TO

1.The learned Judicial Magistrate, Valliyoor.



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M.DHANDAPANI. J

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**ORDER
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