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CrI.O.P.No.3721 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.3721 of 2025
and CrI.M.P.No.2446 of 2025

K.Suresh

... Petitioner

Vs

S.V.Roop Chandar

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and set aside the order in CrI.M.P.No.74131 of 2024 in STC.No.4955 of 2022 dated 07.01.2025 passed by the learned Metropolitan Magistrate Fast Track Court II at Allikulam, Chennai.

For Petitioner : Mr.K.Venkateswaran

ORDER

This petition has been filed challenging the order passed in CrI.M.P.No.74131 of 2024 in STC.No.4955 of 2022 dated 07.01.2025 passed by the learned Metropolitan Magistrate Fast Track Court II at Allikulam, Chennai, thereby dismissing the petition under Section 91 of Cr.P.C seeking production of income tax returns of the respondent.



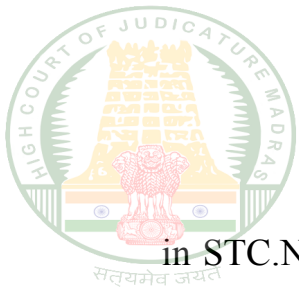
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2. Heard the learned counsel for the petitioner and perused the materials placed on record.

3. The respondent is the complainant in the complaint lodged for the offence punishable under Section 138 of Negotiable Instruments Act as against the petitioner. After cross examination of PW1, the petitioner filed an application under Section 91 of Cr.P.C for production of income tax returns of the respondent and the same was dismissed. Hence, this petition.

4. The learned counsel for the petitioner would submit that the respondent did not even disclose on what date he had lent the money and on what date the cheque was issued.

5. Admittedly, the petitioner did not challenge the source of income and the petitioner also failed to send any reply notice for the statutory notice issued under Section 138 of Negotiable Instruments Act. Therefore, the income tax documents has nothing to do with the present case and the Trial Court had rightly dismissed the petition filed under Section 91 of Cr.P.C and this Court finds no infirmity or illegality in the order passed in Crl.M.P.No.74131 of 2024



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in STC.No.4955 of 2022 dated 07.01.2025 passed by the learned Metropolitan

Magistrate Fast Track Court II at Allikulam, Chennai. The Trial Court is directed to complete the Trial in STC.No.4955 of 2022, within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected Miscellaneous petition is closed.

13.02.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Metropolitan Magistrate Fast Track Court II
at Allikulam, Chennai.
2. The Public Prosecutor,
High Court, Madras.

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