



Crl.O.P.(MD)No.1001 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.1001 of 2025

and

Crl.M.P(MD) No.651 of 2025

T.Sengottaiyan

.. Petitioner

Vs.

P.Srinivasan

.. Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to set aside the order dated 28.11.2024 made in Crl.R.C.No.23 of 2024 in Cr.M.P.No.176 of 2024 in STC No. 321 of 2019 on the file of the learned Principal District Judge, Karur and order dated 03.07.2023 made in Cr.M.P.No.176 of 2025 in STC No.321 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court(Magisterial Level), Karur

For Petitioner : Mr.A.M.Senthil Kumar

For Respondent : Mr.S.Muniyandi

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the learned Principal District Judge, Karur in Crl.R.C.No.23 of 2024 wherein the petitioner being an accused has filed a revision petition



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challenging the order passed by the learned Judicial Magistrate, Fast Track Court(Magisterial Level), Karur in Cr.M.P.No.176 of 2025 in STC No. 321 of 2019 dated 03.07.2023.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the accused in this case. One Renuka was working in the petitioner's concern as employee and his defence is that the said Renuka had taken away all the records including the cheque leaves in the office while she was working as an employee. Now one of the cheque has been mis-used and filed this complaint through the complainant. Already he lodged a complaint as against the said persons before the Superintendent of Police, Karur in the month of July 2019 but no action was taken and it has been kept in abeyance without any action. Therefore in order to prove the defence of the petitioner the said complaint is essential. To that effect he has filed a petition before the trial Court and the trial Court dismissed the petition on the ground that the petitioner did not even mention about the particulars of complaint nor the date on which he lodged the complaint and did not mention how the examination of police officials is relevant to this case. Infact the petitioner mentioned the date of complaint as July 2019 and stated the reasons in the petition, but the trial



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Court failed to consider the same. Therefore the order passed by the learned Magistrate is not in accordance with law. Against the order passed by the learned Magistrate the petitioner filed a revision before the learned Principal District Judge, Karur and the same was dismissed by holding that revision as against section 91 of Cr.P.C petition is not maintainable as the order is interlocutory in nature. Now the petitioner challenged the said order through this petition.

3. The learned counsel appearing for the respondent would submit that in this case trial was almost completed and only to delay the proceedings this petition has been filed. The learned Magistrate has passed a well reasoned order and the revision Court also passed order as revision is not maintainable as against the interlocutory order, therefore the present petition is liable to be dismissed.

4. Heard both sides and perused the materials available on record.

5. The main contention of the petitioner is that there is an enmity between the petitioner and one Renuka who is the erstwhile employee of the petitioner company and she had taken away some documents along



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with cheque leaves. To that effect the petitioner lodged a complaint before the Superintendent of Police, Karur in the month of July, 2019 and the same was kept in abeyance without any action. By misusing the said stolen cheque the present complaint has been filed through the complainant. Now the said complaint is very essential to prove the case. Since the petitioner lodged a complaint before the Superintendent of Police, Karur he can prove the same through the office copy of the complaint available with him. Only for the purpose of proving the complaint lodged before the Superintendent of Police, the police officials cannot be summoned and the petitioner can very well produce the copy of complaint if available with him. Therefore without going into the merits of the petition this Court is inclined to dispose of the petition by giving opportunity to the petitioner to approach the trial Court for producing the documents available with him.

6. At this juncture, the learned counsel appearing for the petitioner fairly submitted that already he utilized the opportunity by filing the petition under Section 315 of Cr.P.C., for examining the witnesses. In view of the same, the petitioner is at liberty to approach the trial Court by filing appropriate petition to produce the said document and if any



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application is filed by the petitioner, the trial Court is directed to consider the same and pass orders on merits and in accordance with law without any delay. The petitioner is also directed to co-operate for speedy disposal of the case without seeking unnecessary adjournments since already witnesses were examined in this case.

7. With the above direction, the Criminal Original Petition stands disposed of. Consequently connected miscellaneous petition stands closed.

13.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Note: Issue order copy on 13.03.2025

To

1. The Principal District Judge, Karur
2. The Judicial Magistrate, Fast Track Court(Magisterial Level), Karur



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P.DHANABAL,J.

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