BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.1331 of 2024
and Crl.M.P(MD)No.13560 of 2024

A.Balaji : Petitioner

Vs.

C.Raja Rajan : Respondent

PRAYER : Criminal Revision Petition filed under Sections 438 r/w 442 BNSS, to set aside the order, dated 19.11.2024 made in Crl.M.P.No.1554 of 2024 in S.T.C.No.295 of 2023 on the file of the District Munsif cum Judicial Magistrate Court, Natham.

For Petitioner : Mr.N.Ananda Kumar

For Respondent : Mr.T.Vadivelan

ORDER

This Criminal Revision is directed against the order passed in Crl.M.P.No.1554 of 2024 in S.T.C.No.295 of 2023, dated 19.11.2024 on the file of the District Munsif cum Judicial Magistrate Court, Natham, dismissing the petition filed under Section 254(2) of Cr.P.C.

2. The respondent has filed a private complaint under Section 200 Cr.P.C., against the petitioner for the offence under Section 138 of Negotiable Instruments Act. When the case was pending for defence evidence, the petitioner/accused has filed the above application under Section 254(2) of Cr.P.C, seeking for production of bank statements of the complainant with the State Bank of India, Dindigul Branch and Canara Bank, Uluppakudi Branch and the Income Tax statements for the year 2023 by alleging that the above documents are necessary to prove the factum that the respondent/complainant had not made any transaction on 26.04.2023.

3.The learned counsel for the petitioner would submit that the respondent has admitted that he had taken the amount from the bank account and paid it to the petitioner and that he has not shown the amount advanced in the income tax statement.

4.But, as rightly pointed out by the learned counsel for the respondent,P.W.1 in his evidence has no where stated that he had taken the amount from his bank account and gave it to the petitioner/accused and that P.W.1, on the other hand has stated that he is ready to produce the bank statement and the income tax statements.

5.As rightly observed by the learned trial Judge, the above documents are not at all relevant for proving the alleged defence.

6.Considering the above, the impugned order dismissing the petition cannot be found fault with. Consequently, this Court concludes that the Criminal Revision is devoid of merits and the same is liable to be dismissed.

7.In the result, this Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed.

03.03.2025

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

K.MURALI SHANKAR,J.

das

To

1.The District Munsif cum Judicial Magistrate Court,
Natham.

Order made in
Crl.R.C.(MD)No.1331 of 2024

Dated: 03.03.2025