

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.10216 of 2015

and

M.P.No.1 of 2015

Palanisamy

... Petitioner

Vs

M.Prem

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.96 of 2013 on the file of Judicial Magistrate I, Namakkal and quash the same as null and void.

For Petitioner : Mr.P.R.Balasubramanian

For Respondent : M/s.C.Emalias,
Additional Public Prosecutor

ORDER

This petition is filed seeking for a direction to quash the proceedings in C.C.No.96 of 2013 on the file of the Judicial Magistrate I, Namakkal.

2. Heard the learned counsel for the petitioner and perused the complaint.

3. The allegation of the petitioner is that the complainant lodged a complaint. After which, he was not appeared before the trial Court. The learned counsel for the petitioner brought to the notice of this Court that the reply notice was not given to the petitioner after receiving a notice under Section 138 of the Negotiable Instrument Act.

4. Now the petitioner has taken a stand that he does not know the complainant at all. The grievance of the petitioner is that the complainant has not appeared before the trial Court and he has to be examined.

5. This Court cannot go into disputed fact with regard to the identity of the complainant in proceedings under Section 482 of the Criminal Procedure Code. Hence, this petition is dismissed with a direction to the learned Judicial Magistrate I, Namakkal, to issue summons to the complainant to be present for trial so that the trial is completed within a period of six months from the date of receipt of a copy of this order. The petitioner will be entitled to cross examine the complainant and disprove his identity in the manner known to law. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

vsm

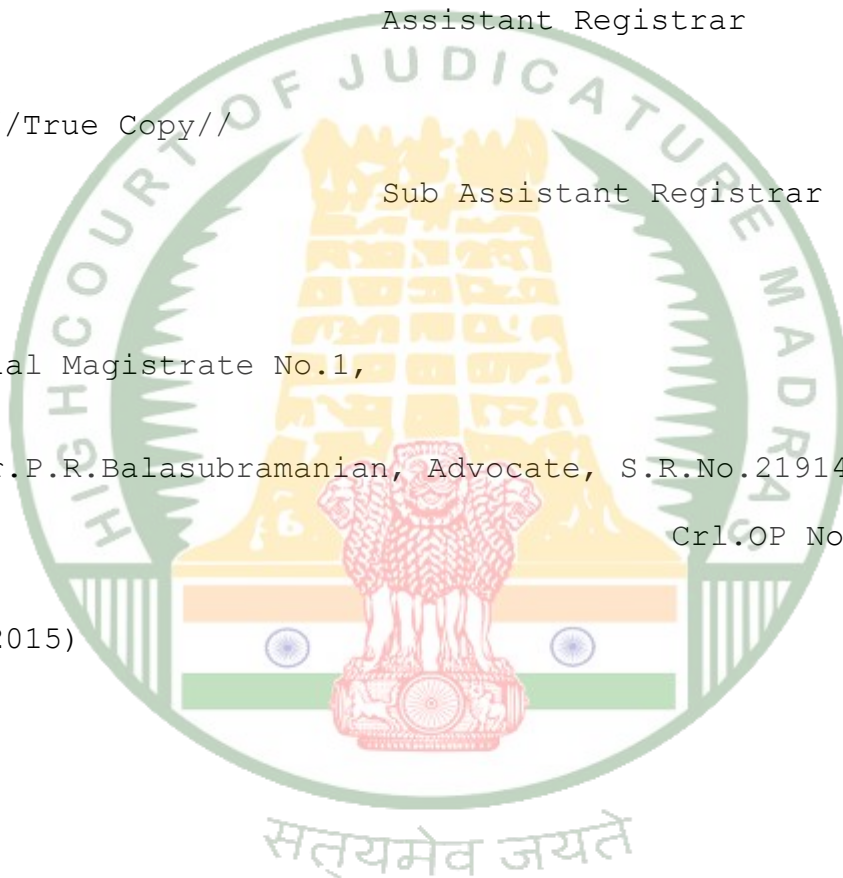
To

The Judicial Magistrate No.1,
Namakkal.

+1cc to Mr.P.R.Balasubramanian, Advocate, S.R.No.21914

CrI.OP No.10216 of 2015

CA (CO)
CA(15/05/2015)



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