

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Criminal O.P.No.10622 of 2015

M/s.Shri Meera Labs Pvt., Ltd.,
Rep. By its Executive Admn-HR
Mr.N.Venkataraman
New No.13, Old No.12,
1st Main Road
Ekambaram Industrial Estate
Alapakkam, Chennai 600 089 ..Petitioner

-Vs-

S.Hari Baskar ...Respondent

This Criminal O.P has been preferred filed under Section 482 Cr.P.C., to set aside the endorsement dated 30.09.2014 and direct the Judicial Magistrate, Namakkal to receive the complaint of the petitioner unnumbered filed under Section 138 of the Negotiable Instruments Act and re-presented on return by XVII Metropolitan Magistrate, Saidapet.

For petitioner : Mr.T.V.Lakshmanan

ORDER

It is seen that the petitioner filed a prosecution under Section 138 of the Negotiable Instruments Act with delay before the XVII Metropolitan Magistrate, Saidapet, Chennai. While the delay petition was condoned on 14.03.2014 and while the complaint was under consideration, the Hon'ble Supreme Court, in the case of DASHRATH RUPING RATHOD VS. STATE OF MAHARASHTRA AND ANOTHER, reported in (2014) 9 SCC 129, directed that the complaint should be returned to the complainant for presenting before the accused-Bank. Pursuant to that, the complaint was returned by XVII Metropolitan Magistrate, Saidapet, Chennai to the complainant and it was required to be presented before Judicial Magistrate, Namakkal. On re-presentation of the complaint, the Judicial Magistrate, Namakkal, refused to receive the complaint since it was presented after 30 days, hence, the complainant has approached this Court for a direction to the learned Judicial Magistrate, Namakkal to receive the complaint.

2. During the pendency of the case before this Court, the Central Government has passed an Ordinance [The Negotiable Instruments (Amendment) Ordinance, 2015] on 15th June, 2015, whereby, the position prior to Rupsing's case has been restored.

3. In view of this development, the Registry is directed to return the original complaint to the petitioner for re-presenting the same before the XVII Metropolitan Magistrate, Saidapet, Chennai. The petitioner is directed to re-present the complaint within four weeks from the date of receipt of the papers from the Registry.

4. The Crl.O.P., is disposed of with the above observation.

nvsri

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate, Namakkal.
2. The XVII Metropolitan Magistrate, Saidapet, Chennai.
3. -do-thro' The Chief Metropolitan Magistrate, Egmore, Chennai 8.

Copy to:

The Section Officer,
Current Section,
High Court, Madras 104

(To return the original complainant
to the petitioner)

rsi(co)
prk15/7

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