

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP. No.15311 of 2015

and

MP.Nos. 1 & 2 of 2015

S.Anand

... Petitioner/Accused

Vs

Indian Commercial Pvt. Ltd.,
5th Floor, Oriental House,
7, Jamshedji Tata Road,
Churchgate,
Mumbai - 400 020.

... Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records in C.C. No.41 of 2015 on the file of the Judicial Magistrate (FTC) Alandur, Chennai and quash the same.

For Petitioner : Ms.Hema Srinivasan

ORDER

This Criminal Original Petition has been filed praying to call for the records in C.C. No.41 of 2015 on the file of the Judicial Magistrate (FTC) Alandur, Chennai and quash the same.

2. Heard the learned counsel for the petitioner.

3. It is the case that the petitioner is an accused in C.C.No.41 of 2015 on the file of the learned Judicial Magistrate, Fast Track Court, Alandur for the offences under Section 138 and 142 of the Negotiable Instruments Act. Initially, the complaint was filed before the learned Chief Metropolitan Magistrate, Esplanade Court No.23, Mumbai and pursuant to the judgment of Supreme Court in Dashrath Rupsingh Rathod Vs. State of Maharashtra 2014(4) CTC 666, the matter now has been transferred to the Court of learned Judicial Magistrate (FTC), Alandur.

4. It is the case of the complainant that they were having business dealings with one M.V.Enterprises, owned by one K.S.Raman and his son Sundar Anand and in the course of business dealings, the petitioner/accused herein has issued five cheques valued at Rs.41,08,137/-, which when presented were dishonoured and after issuing a statutory notice under Section 138 of Negotiable Instruments Act, the complaint has been lodged.

5. The learned counsel for the petitioner submits that the petitioner is not the signatory to the cheques and that the Bank Account also does not stand in the name of the petitioner.

6. On a perusal of the impugned cheques, the signature found therein is indecipherable. The question whether the signature is that of the petitioner has to be gone into only during the course of trial. Under such circumstances, this case cannot go into disputed questions of fact. Hence, this petition is dismissed with direction to the Trial Court to complete the trial within a period of three months from the date of receipt of a copy of this order, on condition that the petitioner co-operates in the conduct of the trial.

Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ds

To:

The Judicial Magistrate,
Fast Track Court,
Alandur,
Chennai.

KM(CO)
CA(01/07/2015)

Cr1.OP.No.15311 of 2015

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