

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.22036 of 2015

and

M.P.Nos.1 & 2 of 2015

Samsudeen

..Petitioner/Accused

Vs.

P.R.Jayanthi

..Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records in C.C.No.1700 of 2015 filed by the respondent herein now pending on the file the learned II Fast Track Court, Egmore, Chennai - 8 and quash the same as illegal and unlawful besides not maintainable law.

For Petitioner : Mr.T.S.Rajamohan

O R D E R

This criminal original petition has been filed to call for the records in C.C.No.1700 of 2015 filed by the respondent now pending on the file the learned II Fast Track Court, Egmore, Chennai - 8 and quash the same.

2.Heard the learned counsel appearing for the petitioner.

3. The petitioner is facing prosecution under Section 138 N.I.Act before the learned F.T.C.No.II, Egmore, Chennai, in C.C.No.1700 of 2015, challenging which, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner submitted that the impugned cheque was not issued in the year 2015 and that, it was a very old cheque, which the complainant has misused. In support of his contention, he produced the cheque book leaves to show that impugned cheque was of the year 2003. Nevertheless, this Court cannot go into disputed questions of fact while deciding a petition as per Section 482 Cr.P.C. as per law laid down by the Hon'ble Supreme Court in S.Krishnamoorthy Vs.Chellammal (2015 (4) Scale 371). These defenses are open to the petitioner/accused to be raised before the trial Court.

5. Under such circumstances, this petition is dismissed with a direction to the trial Court to complete the trial within a period of six months from the date of receipt of a copy of this order and

the petitioner/accused is directed to co-operate with the trial.

In view of the above, the criminal original petition is closed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sms

To

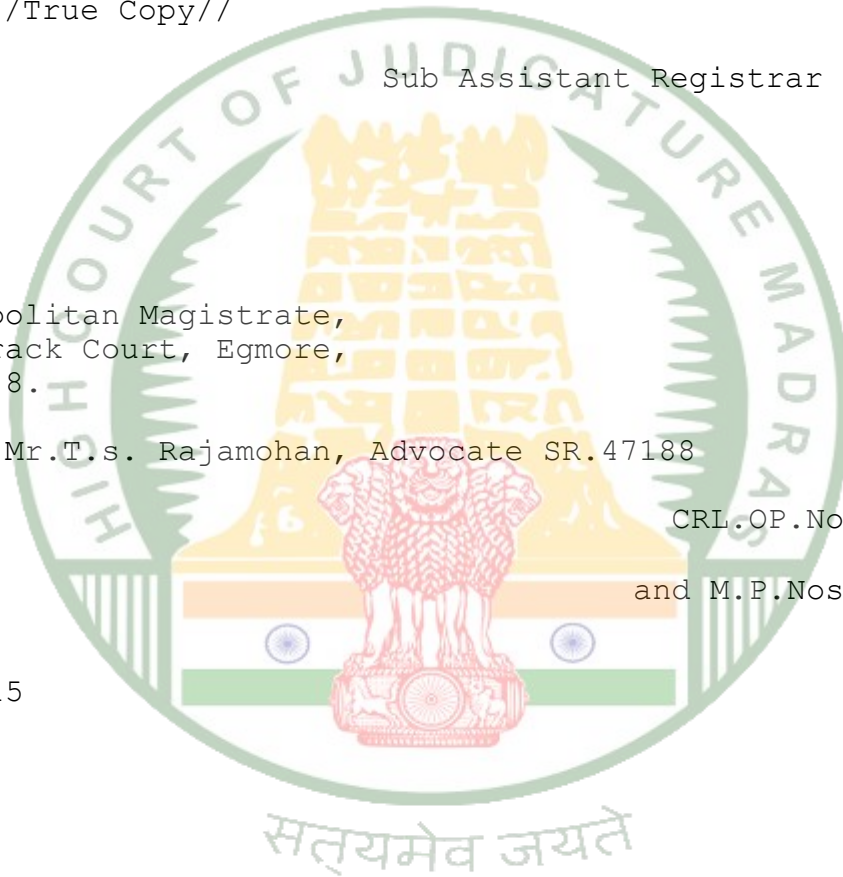
The Metropolitan Magistrate,
II Fast Track Court, Egmore,
Chennai - 8.

+ 1 cc to Mr.T.s. Rajamohan, Advocate SR.47188

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RSI (CO)
EU 18.09.15



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