

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2015

CORAM:

THE HON'BLE MR.JUSTICE R.S.RAMANATHAN

Crl.O.P.Nos.6914 and 6925 of 2015

M/s.Lakshmi Electrical Drives Limited
Textiles Division
Sun Spintex,
Rep. by its Senior Officer
Mr.K.Jayakumar ... Petitioner in Crl.O.P.6914 of 2015

M./s.Harshini Textiles Limited
Rep. by its Senior Officer - Marketing
Mr.K.jayakumar ... Petitioner in Crl.O.P.6925 of 2015

Vs.

1. Sri Bannari Handloom
Rep. by its Proprietor
Mr.A.D.Bhannari

2. Mr.A.D.Bhannari ... Respondents in Crl.O.P.6914 of 2015

1. M/s.Jayabharathi Exports
Rep. by its Proprietor
Mr.Dharmaraj

2. Mr.Dharmaraj ... Respondents in Crl.O.P.6925 of 2015

Common Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned Judicial Magistrate, Fast Track Court (Magisterial Level) No.I, Erode to receive and number the complaint presented on 20.02.2015 by the complainant pursuant to the order dated 20.01.2015 and 17.10.2014 respectively, passed in C.C.Nos.199 of 2014 and 338 of 2013 respectively, on the file of Judicial Magistrate No.V, Coimbatore and proceed in accordance with law.

For Petitioners : Mr.S.Kaithamalai Kumaran
For Respondents : Mr.M.Maharaja, Addl.Public Prosecutor

COMMON ORDER

These petitions are filed seeking to set aside the order passed by the learned Judicial Magistrate, Fast Track Court (Magisterial Level) No.I, Erode dated 20.01.2015 and 17.10.2014 respectively .

2.It is submitted by the learned counsel for the petitioners that originally the complaint was filed before the learned Judicial Magistrate No.V, Coimbatore and numbered as C.C.Nos.199 of 2014 and 338 of 2013 respectively and as per the judgment of the Hon'ble Supreme Court, the complaint was returned for presentation before the proper court and due to inadvertance, there was a delay of one day in Crl.O.P.No.6914 of 2015 and 126 days in Crl.O.P.No.6925 of 2015 in representing the papers before the learned Judicial Magistrate, Fast Track Court (Magisterial Level) No.I, Erode and application was also filed to condone the delay and without appreciating the same, the learned Magistrate rejected the representation stating that it was time barred. Hence, these petitions are filed.

3.Considering the submissions of the learned counsel for the petitioners and considering the reasons stated in the affidavit filed before the lower court, the order of the learned Judicial Magistrate, Fast Track Court (Magisterial Level) No.I, Erode is set aside and the learned Judicial Magistrate, Fast Track Court (Magisterial Level) No.I, Erode is directed to receive the complaint and number it, if it is otherwise in order.

4.Accordingly, these criminal original petitions are allowed.

-s/d-

Assistant Registrar(CO)

Dt:26/03/2015

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate,
Fast Track Court (Magisterial Level) No.I, Erode.
2. The Judicial Magistrate No.V, Coimbatore
3. The Public Prosecutor
High Court, Madras.

+ 2 ccs to Mr.S.Kaithamalai Kumaran, Advocate SR 15912, 15913

vsn (co)

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