



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 27.01.2015

CORAM
THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.O.P. (MD)No.1190 of 2015

KANNAN @ R.SIVATHANU

.. Petitioner/Accused

Vs.

ACHUTHAGANESAN

.. Respondent/Complainant

Prayer: Petition filed under Section 482 of Cr.P.C. to call for the records relating to the proceedings in C.C.No.1169/2012 on the file of the Learned FTC (Magistrate Level) No.1, Nagercoil and quash the same against the petitioner/Accused.

For Petitioner : Mr.K.Vamanan

ORDER

The petitioner seeks to quash the proceedings pending in C.C.No.1169 of 2012, an action under Section 138 of Negotiable instruments Act on the sole ground that the statutory notice was issued in the name of one Kannan, S/o.Rethinam, whereas his name is Sivathanu, S/o.Rethinam. In dealing with Crl.R.C.(MD)No.423 of 2013, this Court taking note of the submission on behalf of the petitioner that bailable warrant had been issued against this petitioner without issue of summons by the trial Court in his correct name, set aside the order of the trial Court and required the trial Court to issue summons to the petitioner herein in his correct name.

2. It is now contended that the statutory notice stands not duly issued to the petitioner in his correct name and further that the same has not been served. The trial Court has taken note of the position that the complaint has been preferred under the name Kannan, the name under which, the petitioner was commonly known and on the respondent realising that the petitioner's actual name was Sivathanu, permitted amendment of the complaint.

3. It is not the case of the petitioner that the cheque has not been issued on his account. It is for the petitioner to make out his defence before the trial Court.

4. The Criminal Original Petition shall stand dismissed. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar(RTI)

/True copy/

sub Assistant Registrar



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To

1.The FAST TRACK COURT, (Magistrate Level) No.1, Nagercoil.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to MR.K.VAMANAN, ADVOCATE IN SR NO. 3819

Cr1.O.P.(MD)No.1190 of 2015
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