



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2015

CORAM:

THE HONOURABLE Ms.JUSTICE R.MALA

Cr1.O.P. (MD)No.15341 of 2015

and

M.P. (MD)Nos.1 and 2 of 2015

K.Nazima Begum

... Petitioner

Vs.

S.P.R.Joseph

... Respondent

Prayer: The Criminal Original Petition is filed under Section 482 of Cr.P.C., calling for the records pertaining to the impugned order dated 21.07.2015 passed in C.C.No.108 of 2015 by the learned Judicial Magistrate, Nilakottai and set aside the same so far as it relates to the direction to produce two sureties for Rs.10,000/- is concerned.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

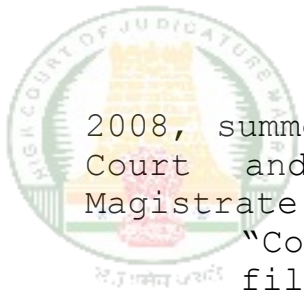
ORDER

This Criminal Original Petition has been filed to set aside the impugned order dated 21.07.2015 passed in C.C.No.108 of 2015 by the learned Judicial Magistrate, Nilakottai in respect of the direction to produce two sureties for Rs.10,000/-.

2.The learned counsel appearing for the petitioner would submit that the petitioner is facing a criminal case in C.C.No.108 of 2015. After receipt of the summon, he appeared before the Court and he has also filed memo of appearance through the counsel and the petitioner was directed to appear before the Court on 28.07.2015 along with two sureties for Rs.10,000/-. Now the petitioner has come forward with this application to quash this order.

3.The learned counsel for the petitioner would submit that the petitioner as soon as received the summon, he appeared before the Court on 21.07.2015, 28.07.2015 and 04.08.2015 and he is regular in attending the Court.

4.The compliant is filed under Section 138 Negotiable Instruments Act, 1881. Considering the nature of the offence, notice to the respondent is disposed with. It is seen that as soon as the compliant under Section 138 was taken up on file in C.C.No.108 of



2008, summon has been sent and the petitioner appeared before the Court and received copies. However, the learned Judicial Magistrate has passed the following order:

"Complainant and accused present. Mr.V.M.Chandran filed memo of appearance for accused. Copies furnished. Further proceedings and appearance of accused with 2 sureties for Rs.10,000/- by 28.07.2015."

5.As the petitioner / accused has appeared before the Court, the above said order dated 21.07.2015 passed by the Judicial Magistrate, Nilakottai in C.C.No.108 of 2015 is illegal. Hence, the same is set aside. The petitioner is directed to appear before the Court on every hearing till the disposal of the case in C.C.No.108 of 2015 and cooperate for earlier disposal.

6.The dispensed with application filed in M.P.(MD)No.2 of 2015 and M.P.(MD)No.1 of 2015 are closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Nilakottai.

2. Do Through The Chief Judicial Magistrate,
Dindigul District.

+ 1 CC TO MR.D.SHANMUGARAJA SETHUPATHI, ADVOCATE IN SR NO. 53885

NBJ

TE/AAL-MPA/ 06/10/2015 2P/4C

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