



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2015

CORAM

THE HONOURABLE MR.JUSTICE S.VA IDYANATHAN

Crl.O.P. (MD)Nos.22970 to 22972 of 2015

and

M.P. (MD)Nos.1,1&1 of 2015

P.K.Neelakandan

... Petitioner in all Crl.OPs.

-Vs-

J.Jabar Sathiq

... Respondent in all Crl.OPs.

COMMON PRAYER: Petitions filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the petitions in C.C.Nos.1 to 3 of 2014 respectively on the file of the learned Judicial Magistrate No.2, Dindigul and quash the same as illegal.

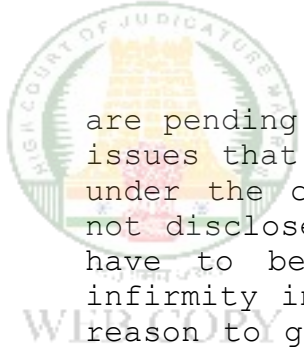
For Petitioner : Mr.S.R.Sureshkumkar
(in all Crl.OPs.)

COMMON ORDER

The petitioner has come forward with these petitions, seeking to quash the proceedings in C.C.Nos.1 to 3 of 2014 on the file of Judicial Magistrate No.2, Dindigul.

2.Mr.S.R.Sureshkumkar, counsel appearing for the petitioner would submit that for the very same occurrence, the respondent has made a complaint before Vadamadurai Police Station and based on the same, a case has already been registered for the offences under Sections 406 and 420 I.P.C. and that the petitioner was remanded to judicial custody and now the petitioner has been enlarged on bail. Now, for the very same occurrence the respondent initiated proceedings under Sections 138 and 142 of the Negotiable Instruments Act, as the cheques given by him got bounced. According to him, the said proceedings cannot go on parallel and that the respondent company has invested several lakhs of amount and they are exporting cucumber. The counsel for the petitioner would submit that the petitioner issued three blank cheques and the respondent has filed the complaints, under Sections 138 and 142 of Negotiable Instruments Act, before the Judicial Magistrate No.II, Dindigul, alleging that there was a transaction with regard to the business and the cheques got bounced.

3. Admittedly, the cheques got bounced. The contention that for the very same occurrence, the respondent has made a complaint before Vadamadurai Police Station and based on the same, a case has already been registered for the offences under Sections 406 and 420 I.P.C., cannot be accepted as one of the proceedings is a case of cheating, which was registered by the police and the others are cheque bouncing cases, which



are pending before the Judicial Magistrate. The petitioner can raise the issues that the respondent filed the cases before the Judicial Magistrate under the capacity of power of attorney and that the legal notice does not disclose about the power deed of the respondent company and the same have to be considered and decided by the Trial Court. I find no infirmity in the calender cases being proceeded with and hence I find no reason to grant the relief sought for by the petitioner and accordingly, these Criminal Original Petitions are dismissed. Consequently, connected Miscellaneous Petitions are dismissed with a direction to the Judicial Magistrate No.II, Dindigul to take up C.C.Nos.1 to 3 of 2014 and dispose of the same as expeditiously as possible and the Trial Court shall not adjourn the matter beyond ten working days at any point of time. The observation made in this petition is only for the purpose of the dismissal of this Criminal Original Petition and it is open to the petitioner to raise all the grounds available to him before the Trial Court.

4. At this juncture, the counsel for the petitioner has submitted that the personal appearance of the petitioner before the Trial Court may be dispensed with.

5. Considering the facts and circumstances of the case, this Court directs the Trial Court to dispense with the personal appearance of the petitioner before it, upon the petitioner swearing to an affidavit informing their address for service, that he duly would be represented by his counsel on all hearing dates, that he would, at no instance, dispute his identity and that, he would appear before the Trial Court, as and when required. Upon the petitioner doing so, the Trial Court may seek the presence of the petitioner before it, solely on the important hearing dates.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To
The Judicial Magistrate No.2,
Dindigul

+1 CC to Mr.S.R.SURESHKUMAR, Advocate, SR No.69344

CrI.O.P. (MD) Nos.22970 to 22972 of 2015
04.12.2015

MPK
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