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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

Crl.O.P.(MD)Nos.5687 and 5688 of 2015

and

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

M/s. Sathia Match Works,
represented through its
Proprietor
K.Sakthivel,
18/1E, Nalla Kutralapuram Street,
Srivilliputhur. ... Petitioner/Accused No.1 in both Crl.O.Ps.

Vs.

M/s. Mehta Industries,
Partnership Firm represented
through its Supervisor and Special
Power of Attorney,
N.Gopi,
Sirukulam Road,
Sivakasi. ... Respondent/Complainant in both Crl.O.Ps.

PRAYER: Criminal Original Petitions are filed under Section 482 of the Code of Criminal Procedure to set aside the order passed by the Judicial Magistrate Court, Sivakasi in Crl.M.P.No.2137 of 2008 in C.C.Nos.668 of 2003 and 188 of 2004 on 30.07.2008.

For Petitioner : Mr.G.Marimuthu

C O M M O N O R D E R

These Criminal Original Petitions are filed to set aside the order passed by the Judicial Magistrate Court, Sivakasi in Crl.M.P.No.2137 of 2008 in C.C.Nos.668 of 2003 and 188 of 2004 on 30.07.2008.

2. Heard the learned counsel for the petitioner.

3. The petitioner, who is arrayed as an accused under Section 138 of Negotiable Instruments Act, has come forward to file these petitions being aggrieved against the dismissal of petitions filed under Section 311 of Cr.P.C.

4. It appears that initially the complaint was made by one Gopi, which was sought to be changed into one Mariyappan, who is the power holder. Now the petitioner wants to examine the first person. The Court below has rightly rejected the application on the ground of delay and the matter does not end there. Though the order was passed in the year 2008, the petitioner has come forward to file these petitions in the year 2015. The object of the Negotiable Instruments Act is to render justice at the earliest point of time. The power under Section 311 of Cr.P.C. is discretionary which has been rightly exercised. The petitioner has successfully dragged on the case for nearly 7 years.



5. In view of the same, this Court is of the view that no ground made out in these petitions. Hence, these Criminal Original Petitions are dismissed. Consequently, the connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar

To

The Judicial Magistrate,
Sivakasi.

+1cc to Mr.G.Marimuthu,Advocate, SR.No.16970

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