



WEB COPY

BEFORE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2015

THE HONOURABLE MR. JUSTICE C.T. SELVAM

CRL.O.P. (MD) No. 7761 of 2014

and M.P. (MD) Nos. 1 and 3 of 2014

B.Palaniappan

...Petitioner/Accused

Vs.

V.Packiyam

..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C.No.45 of 2014 on the file of the Judicial Magistrate No.1, Virudhunagar and quash the same as illegal and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.J.Jeyakumaran

For Respondent : Mr.G.Marimuthu

O R D E R

The petitioner seeks quash of proceedings in C.C.No.45 of 2014 on the file of the Judicial Magistrate No.1, Virudhunagar.

2. We have heard learned counsel for the petitioner and learned counsel for the respondent.

3.The petitioner is the accused in such case wherein he is alleged to have committed offence under Section 138 of Negotiable Instruments Act.

4. The sole ground raised by the learned counsel for the petitioner, which is to be immediately rejected is that the respondent, having once caused statutory notice, has represented the cheque and thereafter issued further statutory notice under Section 138 of Negotiable Instruments Act and then preferred the complaint.



5. The learned counsel for the respondent relied on the judgment in **MSR Leathers Vs.S.Palaniappan & another** reported in **2013(1)MWN (Cr.) (DCC) 19(SC)** wherein the Hon'ble Supreme Court has held that a holder of cheque can present cheque any number of times within a period of 6 months or during its validity.

6. In view of the said judgment, the cheque may be presented any number of time within the validity period and mere issue of statutory notice on the earlier presentation would not be bar to further action of complaint under Section 138 of Negotiable Instruments Act. Hence, this petition is dismissed. Consequently, connected M.P.s 1 and 3 of 2014 are closed.

Sd/-
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

The Judicial Magistrate No.1,
Virudhunagar.

+1cc to Mr.G.Marimuthu, Advocate SR.No.9290

CRL.O.P. (MD) No.7761 of 2014
and M.P. (MD) Nos. 1 and 3 of 2014
27.02.2015

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