

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.14328 of 2016

H.Gopalakrishnan

...

Petitioner

Vs

1.N.Kalyana Sundaram

2.Geetha Kalyana Sundaram

...

Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to dispose of CC.No.4454 of 2013, which is pending on the file of the Fast Track Court No.II, Egmore, Chennai, within the particular time frame.

For Petitioner :Mr.David Tyagaraj

ORDER

This Criminal Original Petition has been filed to dispose of the C.C.No.4454 of 2013, pending on the file of Fast Track Court No.II, Egmore, Chennai.

2. Heard Mr.David Thyagaraj, the learned counsel appearing for the petitioner.

3.It is seen that for the cheque signed by Kalyana Sundaram (A1), the petitioner has lodged a prosecution in C.C.No.4454 of 2013 before the Fast Track Court No.II, Chennai, under Section 138 of the Negotiable Instruments Act, against Kalyana Sundaram and Geetha Kalyana Sundaram, on the ground that it is a joint account.

4. Just because it is a joint account, the person who has not signed the cheque cannot be made as an accused.

5. This Court, by an order dated 13.07.2016, called for a report from the learned Judicial Magistrate, Fast Track Court, Egmore, to state the circumstance under which the process was issued to Geetha Kalyana Sundaram. This Court has not received the report as on date. However, it is seen that non-bailable warrant is pending as against Geetha Kalyana Sundaram.

6. In the considered opinion of this Court, the prosecution of Geetha Kalyana Sundaram is illegal, and therefore the prosecution in C.C.No.4454 of 2013 pending on the file of the Fast Track Court No.II, Egmore, is quashed as against Geetha Kalyana Sundaram (A2), and the trial Court is directed to proceed with the trial as against Kalyana Sundaram (A1) and complete the same within a period of six months from the date of receipt of a copy of this order.

With the above direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To:

The Fast Track Court No.II,
Egmore, Chennai.

+1`cc to Mr.David Thiagaraj, Advocate sr.43139

Crl.OP.No.14328 of 2016

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