

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.28839 of 2015

N.Muthusamy

.. Petitioner

Vs.

K.K.Rajamani

.. Respondent

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the learned Judicial Magistrate, Kangeyam to take up the case in C.C.No.501 of 2013 in list as per law and proceed further in accordance with law.

For Petitioner:Mr.N.Stalin

ORDER

This petition is filed for issuing a direction to the learned Judicial Magistrate, Kangeyam to take up the case in C.C.No.501 of 2013 in the list and proceed further in accordance with law.

2.Heard the learned counsel for the petitioner.

3.The petitioner as a complainant filed a private complaint under Section 138 of Negotiable Instruments Act before the learned Judicial Magistrate, Kangeyam and the same was taken on file in C.C.No.501 of 2013. Thereafter, the learned Judicial Magistrate, Kangeyam, has returned the complaint filed by the petitioner with a direction to present the same before the jurisdictional Court viz., Judicial Magistrate Court at Erode.

4.Pursuant to the direction given by the learned Judicial Magistrate, Kangeyam, the petitioner has filed the complaint before the learned Judicial Magistrate, Erode on 06.04.2015. As per the recent judgment of the Honourable Apex Court, the Negotiable Instruments Act has been amended with regard to the jurisdiction. Therefore, the learned Judicial Magistrate, Erode on 01.08.2015 has returned the petitioner's complaint with a direction that the same has to be represented before the jurisdictional Court within a month. In pursuant to the

same, the petitioner has again presented the complaint before the learned Judicial Magistrate, Kangeyam, but the said Court once again refused to take up the case on file.

5. In the meanwhile, a circular has been issued stating that once complaint has been taken on file, it shall not be returned to the party and the Court, which has taken the complaint on file alone has to take up the matter or transmit to the Court, which is having territorial jurisdiction.

6. Considering the submissions made by the learned counsel for the petitioner and on perusal of the materials available on the typed set of papers, I am of the view that it is a fit case to give a direction to the learned Judicial Magistrate, Kangeyam to receive the complaint, which is represented by the petitioner within a period of 15 days from the date of receipt of a copy of this order.

7. The Criminal Original Petition is disposed of with the above direction.

kj

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar

To

The Judicial Magistrate, Kangeyam.

KR/1/3/16

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