

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.30561 of 2015

Sri Munipachaiyappan Textiles Private Limited,
Rep. by its Cotton Purchaser Manager,
Mr.A.Sundaram .. Petitioner/Complainant

.. Vs ..

Saraswathi ... Respondent/Accused

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to issue a direction to condone the 3 days delay in re-presenting the complaint filed under Section 138 of the Negotiable Instruments Act, allow the unnumbered Crl.M.P. of 2015 on the file of the Fast Track Judicial Magistrate No.II, Erode, and the STC may be taken on file for further proceedings.

For Petitioner : Mr.M.Mohamed Hasain

For Respondent : Mr.C.S.Saravanan

ORDER

The petitioner has come forward with this petition seeking to issue a direction to the learned Fast Track Judicial Magistrate No.II, Erode, to condone the delay of 3 days in re-presenting the complaint filed under Section 138 of the Negotiable Instruments Act and allow the unnumbered Crl.M.P. of 2015 on the file of the Fast Track Judicial Magistrate No.II, Erode, and further prays that the STC may be taken on file for further proceedings.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. The learned counsel appearing for the petitioner submitted that the petitioner has filed a complaint under Section 138 of the Negotiable Instruments Act against the respondent and the said complaint was taken on file by the

learned Judicial Magistrate, Sholinghur, in S.T.C.No.199 of 2014. As per the recent decision of the Hon'ble Supreme Court in Dasharath Roop Singh Rathod Vs. State of Maharashtra and another in Crl.Appeal No.2287/2009, dated 01.08.2014, the territorial jurisdiction to file the complaint under Section 138 of the Negotiable Instruments Act was restricted to the Court within whose local jurisdiction the offence was committed and therefore, the learned Judicial Magistrate, Sholinghur, has returned the complaint filed by the petitioner/complainant for re-presenting the same before the territorial Magistrate viz., Fast Track Judicial Magistrate No.II, Erode, and when the said complaint was re-presented, there was a delay of 3 days and the said delay is neither willful nor wanton and hence, the petitioner has come forward with this petition for the above stated relief.

4. Considering the facts and circumstances of the case, this Court is of the view that it is a fit case to issue a direction to the learned Fast Track Judicial Magistrate No.II, Erode. The petitioner/complainant is directed to re-present the complaint, after rectifying the returns and on filing the complaint, the learned Fast Track Judicial Magistrate No.II, Erode, is directed to consider the same and pass appropriate orders in accordance with law.

5. This Criminal Original Petition is ordered accordingly.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Fast Track Judicial Magistrate No.II,
Erode.

2.Thro The Chief Judicial Magistrate,
Erode.

+1cc to M/S.M.Mohamed Hasain, Advocate Sr.7058

CRL.O.P.No.30561 of 2015

sai (CO)
srg (15/02/2016)