



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.09.2016
CORAM

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

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CrI.O.P(MD)No.16523 of 2016
and
CrI.M.P.(MD).Nos.8108 and 8109 of 2016

N.A.Senthil Kumar .. Petitioner
Vs.

Jamaldeen .. Respondent

PRAYER:Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.243 of 2014 on the file of the learned District Munsif cum Judicial Magistrate, Bodinayakanur and quash the same.

For Petitioner :Mr.C.Ganesh Kumar

ORDER

This petition has been filed seeking to quash the C.C.No.243 of 2014 on the file of the learned District Munsif cum Judicial Magistrate, Bodinayakanur.

2.Heard the learned counsel for the petitioner and perused the records.

3. The case of the petitioner is that his name is Senthil Kumar, S/o.Ayyappasamy. But a private complaint has filed by the complainant in the name of N.A.Senthil, S/o. Ayyasamy. Further he submitted that he has not received any legal notice under Section 138 N.I.Act.

4. The case of the respondent/complainant is that the petitioner borrowed a sum of Rs.3,00,000/- on 23.04.2014 and issued a cheque dated 25.03.2014 for repayment of the loan amount and it was dis-honoured on the ground of 'funds insufficient' and therefore the petitioner is liable to be punished under Section 138 N.I.Act.

5. It is seen that the notice sent to the accused and the acknowledgement card were included as document Nos.3 and 4.The defence taken by the petitioner can be decided only after trial and at this stage, this cannot be entertained. Hence, I do not find any ground to quash the private complaint. Therefore, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(AS)



To

The District Munsif cum Judicial Magistrate,
Bodinayakanur

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+One cc to Mr.C.Ganesh Kumar, Advocate, SR.No.50423

PJL

RL/3C/2P/GSV/PM/27/9/2016

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