



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2016

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD) No.17949 of 2016

and

Crl.M.P(MD)No.8935 of 2016

V.K.Balamurugan

.. Petitioner/Petitioner/
Accused

-vs-

D.paulraj

.. Respondent/Respondent/
Complainant.

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to set aside the order passed in Cr.M.P.No.6327 of 2016, dated 23.08.2016 in S.T.C.No.315 of 2012 on the file of the Learned Judicial Magistrate No.I (Fast Track Court at Magisterial Level), Madurai, by allowing this Criminal Original Petition.

For Petitioner : Mr.C.Prabhakaran

O R D E R

This petition is filed to set aside the order of the learned Judicial Magistrate No.I (Fast Track Court at Magisterial Level), Madurai in Crl.M.P.No.6327 of 2016 in S.T.C.No.315 of 2012.

2.Heard the learned counsel appearing for the petitioner.

3.It is seen from the records that the petitioner is an accused in a private complaint filed by the respondent under Section 138 of Negotiable Instruments Act. The Third application filed by the accused under Section 311 of Cr.P.C., came to be dismissed on 08.08.2015 stating that the earlier two applications filed in the year 2014 and 2015 with same prayer were allowed and the accused



has not utilised the opportunity. The learned Judicial Magistrate has passed the impugned order relying upon the decision reported in 2016(1) LW (Crl) 561.

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4. In the circumstances, I do not find any illegality warranting interference by this Court. Hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also dismissed.

Sd/
Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar.

To

1. Judicial Magistrate No.I
(Fast Track Court at Magisterial Level), Madurai
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/S.C.Prabaharan, Advocate, SR.No. 55132

Crl.O.P.(MD) No.17949 of 2016

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SD/SS2/17.10.2016/2P/4C