



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.9954 of 2015
and M.P.No.1 of 2015 and Crl.M.P.No.7326/2016

Aruppukottai Shri Ramalinga Roller
Flour Mills Limited,
through Directors,

1.T.R.S.Subburaj Vijairam
2.Vijairam Umadevi
3.Subburaj Subbulakshmi

... Petitioners/Accused No.1-3

-vs-

Ashok Dal and Oil Mills company
Through its Director Satish Agarwal ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in STC No.229/2015 on the file of the learned Judicial Magistrate, Aruppukottai and quash the same in respect of the 1st, 2nd and 3rd petitioners alone.

For Petitioner : Mr.N.Ananthapadmanaban
For Respondents : Mr.R.Pon Karthikeyan

O R D E R

For the sake of convenience, the parties will be referred to by their names.

2.Ashok Dal and Oil Mills company initiated a prosecution before the Judicial Magistrate, First Class, Itarsi (M.P) under Section 138 of the Negotiable Instruments Act against Aruppukottai Sri Ramalinga Roller Flour Mills Limited and others. During the pendency of the prosecution, the Hon'ble Supreme Court passed an order in **Dasrath Rupsingh Rathod v. State of Maharashtra and others** reported in **JT 2014 (9) SC 1981**. Therefore, the case was transferred from the file of the Judicial Magistrate, First Class, Itarsi, (M.P.) to the file of the Judicial Magistrate, Aruppukottai and it was renumbered as S.T.C.No.229/2015. Aruppukottai Sri Ramalinga Roller Flour Mills Limited and the



other accused filed the present quash application in CrI.O.P.(MD) No.9954/2015 for quashing the prosecution in S.T.C.No.229/2015 on the file of the Judicial Magistrate, Aruppukottai on various grounds.

3. Notice was ordered in the quash petition and during the pendency of the quash petition, the Parliament amended the provisions of the Negotiable Instruments Act, thereby nullifying the effect of Dasrath Rupsingh Rathod's case. In view of the amendment, the case in STC No.229/2015 should be transferred back to the Judicial Magistrate, First Class, Itarsi (M.P.)

4. On account of the pendency of this quash application, the learned Judicial Magistrate, Aruppukottai has not been able to send the records in STC No.229/2015 to the Judicial Magistrate, First Class, Itarsi, (M.P.). In view of the development in law, this quash application is closed with a further direction to the Judicial Magistrate, Aruppukottai to send all the original records by post to the Judicial Magistrate, First Class, Itarsi, (M.P.), after binding over the complainant and the accused to appear before the Judicial Magistrate, First Class, Itarsi, (M.P.) on a particular date fixed by the Judicial Magistrate, after taking into consideration the time that would be taken for the records to reach the said Court. The grounds raised in the quash petition are left open for the accused to agitate before the appropriate forum. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate
Aruppukottai.
2. The Judicial Magistrate,
First Class, Itarsi, (M.P.)
Madhya Pradesh.

+ 1 CC TO Mr.N.ANANTHAPADMANABAN, ADVOCATE IN SR No. 52394
+ 1 CC TO Mr.R.PON KARTHIKEYAN, ADVOCATE IN SR No. 52336

RR

TE/JC/SAR-IV : 28/04/2017 : 2P/5C