



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2017

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.(MD)No.17172 of 2011

and

M.P.(MD)Nos.1 and 2 of 2011

1. Veni Wood Industries,
Reg. No.TIN-33725700919,
Represented by its
Managing Partner,
Mr.Kumaraguru, S/o. Late Arunachalam,
1/903, Kuttralam Cross Street,
Branoor Border, Senkottai,
Tirunelveli District.

2.Kumaraguru
3.Kalyaniammal

... Petitioners

Vs.

Harish Kandha Timber Pvt. Ltd.,
Reg. No.TIN-33095701217,
Represented by its one of the Directors,
Mr.Sudalaimuthu, S/o. Kandhasamy,
2/81-E, Tenkasi Road,
Kottakulam, Senkottai,
Tirunelveli District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to S.T.C.No.7077 of 2011, on the file of the learned Judicial Magistrate, Tenkasi and to quash the same.

For Petitioners : Mr.S.M.A.Jinnah

For Respondent : No appearance

O R D E R

This Criminal Original Petition has been filed to quash the impugned complaint in S.T.C.No.7077 of 2011, on the file of the learned Judicial Magistrate, Tenkasi.

2. The case of the prosecution is that the respondent herein filed a complaint in S.T.C.No.7077 of 2011, on the file of the learned Judicial Magistrate, Tenkasi, against the petitioners, for the offence punishable under Section 138 of Negotiable Instruments Act, on the allegation that the petitioners' Company had purchased raw materials from the respondent's Company and issued a cheque for a sum of Rs.10,00,000/- in favour of the respondent's concern bearing No.204792, dated 15.04.2010, to be drawn at Canara Bank, Senkottai Branch. But when the respondent presented the cheque for encashment, it was returned with an endorsement "Exceeds arrangement and payment Stopped by the drawer". Again the petitioner's company informed the respondent company to present the cheque through the petitioner's Account No.0961 261 010244 at Canara Bank, Tenkasi Branch. Even at the second time also, the cheque was returned with an endorsement "insufficient funds". Thereafter, the respondent Company sent legal notice to the petitioner on 23.08.2010. Even after receipt of the notice, there was no reply from the petitioner. Hence, this petition.

3. Though the learned Counsel appearing for the petitioners raised several grounds for quashing the case in S.T.C.No.7077 of 2011, on the file of the learned Judicial Magistrate, Tenkasi, he submitted that it would suffice, if a direction is issued to the trial Court to complete the trial within a time limit that may be stipulated by this Court and also to permit the petitioners to raise all the grounds raised in this petition before the trial Court.

4. I have heard the learned counsel appearing for the petitioners and perused the materials available on record.

5. The learned counsel for the petitioners submitted that since the third petitioner is 69 years old, she is suffering the age old illness and hence, prays for dispense with the appearance of the third petitioner before the trial Court.

6. In the light of the above said submission made by the learned counsel for the petitioners, this Court without going into the merits of the case, directs the learned Judicial Magistrate, Tenkasi, to complete the trial in S.T.C.No.7077 of 2011, within a period of six months from the date of receipt of a copy of this order. The personal appearance of the third petitioner alone is dispensed with, unless the learned Magistrate feels that her presence is required for the disposal of the case.



7. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

/True Copy/

Sd/-
Assistant Registrar (CS-III)

Sub Assistant Registrar

To

1 The Judicial Magistrate, Tenkasi.

2 The Chief Judicial Magistrate, Tirunelveli.

Crl.O.P. (MD) No.17172 of 2011
11.12.2017

PJL
AM/JC/SAR 4/28.12.2017/3P/3C