

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2018

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.Nos.17242 & 17243 of 2011
and
M.P.Nos.1,1 of 2011

Harbajan Singh
S/o, Pratapsingh,
Proprietor,
M/s.Punjab Handloom, New No.169, Old No.76,
TTK Road,
Alwarpet,
Chennai 18

...Petitioner/Accused in both Crl.O.Ps

-Vs-

M/s.PEPS Industries Private Limited,
rep. By authorised Signatory,
S.Balachandar,
G.M.Marketting,
No.192, Uthupalayam Road,
Arasur,
Coimbatore 641 407. ... Respondent/Complainant in both Crl.O.Ps

Common Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.Nos.169 and 170 of 2011, pending trial on the file of Judicial Magistrate No.II, Coimbatore and to quash the further proceedings as against the petitioner herein.

For Petitioner : Mr.T.R.Ravi

For Respondent : Mr.S.Ramachandran

COMMON ORDER

These petitions have been filed by the petitioner as against the complaint which is pending before the learned Judicial Magistrate No.II, Coimbatore for the offence punishable under section 138 of the Negotiable Instruments Act.

2. The petitioner/accused in the proceeding had challenged the complaint on the ground that the statutory requirement as per the Negotiable Instruments Act has not been complied with and therefore the complaint is not sustainable.

3. According to the petitioner, the cheques have been presented for collection on 18.08.2010 and returned on 19.08.2010 with an endorsement "Exceeds arrangement". The legal notices are said to be issued on 15.09.2010 and 21.09.2010. But, according to the petitioner, the legal notices were taken only on 27.09.2010. To ascertain the same, the records have been called for and the procedural endorsements from the original have been verified. Notices have been taken only on 27.09.2010 after one month, ie., after the statutory period as contemplated under the Negotiable Instruments Act.

4. Therefore, the complaint is not sustainable and liable to be quashed. Accordingly, these petitions are allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

mfa

To

The Judicial Magistrate No.II,
Coimbatore.

+1cc to Mr.S.Ramachandran, Advocate SR.No.79781

Cr1.O.P.Nos.17242 and 17243 of 2011
and
M.P.Nos.1,1 of 2011

MR(CO)
GMY (27/12/2018)

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