

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :28.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.881 of 2013

and

M.P.Nos.1 and 2 of 2013

Nasheer Basha

...Petitioner

Vs.

Shakthiganapathy
Managing Partner,
Hemalatha Hi Tech Industries,
Cuddalore.

...Respondent

Prayer: This Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure to call for records relating to the orders made in STC No.234 of 2012 dated 29.05.2013 on the file of the learned Judicial Magistrate-No.II, Cuddalore and set aside the same as illegal.

For Petitioner : M/s.Om Sai Ram Associate

For Respondent : Mr.V. Janarthanan

O R D E R

The Criminal Revision has been filed to call for records relating to the orders made in STC No.234 of 2012 dated 29.05.2013, on the file of the learned Judicial Magistrate-No.II, Cuddalore and set aside the same as illegal.

2. The respondent filed a private complaint before the learned Judicial Magistrate No.II, Cuddalore, for offence under section 138 of Negotiable Instrument Act against the Revision petitioner. During the pendency of the case, the Revision petitioner filed the transfer O.P. before this Court in Crl.O.P.No.5512 of 2013, praying to transfer S.T.C.No.234 of 2012, on the file of the learned Judicial Magistrate No.II, Cuddalore to the jurisdictional Magistrate, Chennai/Madurantakam. In that Criminal O.P., stay was granted, that order was duly communicated on 15.03.2013. During the pendency of the O.P, and when stay was in force, the Learned Magistrate issued Non Bailable Warrant against the Revision petitioner. Therefore, the Revision petitioner approached this Court for filing Crl.O.P.No.5512 of 2013, to set aside the

order of the learned Magistrate. Subsequently, Crl.O.P.No.5512 of 2013 was dismissed. Since in this Revision stay was granted, the private complaint is still is pending without any progress. Further, the order passed by the learned Magistrate regarding issuance of Non Bailable Warrant is hereby set aside. Further, the Revision petitioner is directed to appear before the learned Judicial Magistrate No.II, Cuddalore on 08.10.2018 and the learned Magistrate is directed to proceed with the complaint in accordance with law and dispose of the matter on or before 07.12.2018 without fail. It is made clear that no extention of time will be entertained and if any application is made for extention of time, the same will be viewd seriously.

3. With the above observation, the Criminal Revision is disposed of.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

The Judicial Magistrate-No.II, Cuddalore

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and
M.P.Nos.1 and 2 of 2013

GN(05/10/2018)

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