

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2018

CORAM:

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

Crl.O.P. No.18084 of 2018

UMS Radio Factory Ltd.

a Public Limited Company incorporated
under the Companies Act, 1956 and having
its Head Office at "Gopal Bagh"

Avinashi Road

Coimbatore - 18

represented by its Assistant Vasudev Anand
having his office

at 82/93, Avinashi Road

Civil Aerodome Post

Coimbatore - 14

Petitioner

vs.

1 Fidelity Industries Ltd.

a Public Limited Company

incorporated under the Companies Act, 1956

No.1, Smith Road

Chennai 600 002

represented by its Managing Director

Ashok Muthana

(father name not known to the complainant) full aged

2 Ashok Muthana

3 V.G.K. Moorthy

4 T.P. Sridharan

5 K. Ramkumar

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
seeking to direct the FTC-II at Magisterial Level, Coimbatore,
to accept the re-representation of the case records in C.C. No.750
of 2000 (on the file of Judicial Magistrate No.II, Coimbatore)
and dispose of the same in accordance with law within a time
frame.

For petitioner

Mr. R. Bharath Kumar

ORDER

This Criminal Original Petition has been preferred seeking
to direct the Fast Track Court No.II at Magisterial Level,
Coimbatore, to accept the re-representation of the case records in

C.C. No.750 of 2000 (on the file of Judicial Magistrate No.II, Coimbatore) and dispose of the same in accordance with law, within a time frame.

2 For the sake of convenience, the petitioner and respondents are referred to as complainant and accused respectively.

3 The complainant initiated a prosecution in C.C. No.750 of 2000 under Section 138 of the Negotiable Instruments Act, 1881 (for short "the NI Act") before the Judicial Magistrate No.II, Coimbatore. Pending trial, pursuant to the judgment in Dashrath Rupsingh Rathod vs. State of Maharashtra [(2014) 9 SCC 129], the case was transferred from the file of the Judicial Magistrate Court No.II, Coimbatore, to the file of the Fast Track Court No.III, Saidapet, Chennai. Thereafter, amendments were made to the NI Act by the Parliament, pursuant to which, the case was once again re-transferred to the file of the Judicial Magistrate Court No.II, Coimbatore. The Judicial Magistrate No.II, Coimbatore, handed over the original case bundle to the complainant for re-presenting the same before the Fast Track Court No.II (Magisterial level), Coimbatore, within a period of two weeks vide order dated 06.04.2018, which reads as under:

"Complainant absent. However, the complainant bank is situated at Dr. Naiyapra Road, Coimbatore, which will come under the jurisdiction of FTC No.11, @ ML, CBE. Hence, this complaint is returned to the complainant to present the same at concerned Court within two weeks."

4 It is the grievance of the complainant that when the complainant re-presented the original complaint to the Fast Track Court No.II, Coimbatore, the Magistrate refused to receive the same on the ground that the transfer should have been made directly by the Judicial Magistrate No.II, Coimbatore. Hence, the complainant is before this Court with the above prayer.

5 On report called for from the Fast Track Judge No.II (Magisterial level), Coimbatore, this Court is informed that the present incumbent has taken charge only on 20.06.2018 and that it was his predecessor, who had refused to receive the case records.

6 In the opinion of this Court, the Fast Track Judge No.II (Magisterial level), Coimbatore, should have received the case bundle in view of the Full Bench judgment of this Court in Mahender Goyal vs. Kadambal International, represented by its Proprietor, Deepak Kumar Aggarwal [(2014) 1 CTC 1 (FB) Mad].

7 In such perspective of the matter, this Court directs the complainant to re-present the complaint to the Fast Track Court No.II (Magisterial level), Coimbatore, within a period of four weeks from the date of receipt of a copy of this order and on such re-representation, the Fast Track Judge No.II (Magisterial level), Coimbatore, shall take the same on file and deal with the same in accordance with law.

This Criminal Original Petition stands allowed with the above direction.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1 The Fast Track Judge-II at Magisterial Level
Coimbatore

2 The Public Prosecutor
High Court of Madras
Chennai 600 104

+1cc to Mr.R.Baharathkumar, Advocate Sr.No.48226

sm:25.7.2018

Cr1.O.P. No.18084 of 2018

सत्यमेव जयते

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