

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 25.10.2018
CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
CRL.O.P.No.24901 of 2018
and CRL.M.P.No.14057 & 14058 of 2018

Xavier Stephen .. Petitioner
Vs
N.V.Selvam .. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records of the complaint in STC No.396 of 2017 on the file of the Judicial Magistrate, FTC,, Magistrate level at Poonamallee and quash the same as the complaint is barred by limitation.

For Petitioner : Mr.S.Sundar

O R D E R

The petitioner is facing prosecution in S.T.C.No.396 of 2017 before the Fast Tract Court, Poonamallee for the offence under Section 138 of the Negotiable Instruments Act. The trial had begun with the examination of P.W.1. During the midst of trial, the complainant appears to have filed a petition under Section 142 (b) of the Negotiable Instruments Act for condonation of retrospective delay in filing the complaint. Under such circumstances, the petitioner is before this Court for quashing the prosecution.

2.Heard the learned counsel for the petitioner who submitted that after the Court had taken cognizance of the offence, there is no question of condonation of delay.

3.It is seen that the complainant has filed the petition for condonation of delay and it is for the Trial Court to pass appropriate orders on the said petition. Therefore, this prosecution cannot be quashed on this ground and it is always open to the petitioner to challenge the order passed by the Trial Court in the condonation of delay application in the manner known to law.

With the above direction, this petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate, FTC,
Magistrate level,
Fast Track Court, Poonamallee

SSD(CO)
sm:15.11.2018

CRL.O.P.No.24901 of 2018
and CRL.M.P.No.14057 & 14058 of 2018



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