

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.12.2018
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
Crl.O.P.No.30255 of 2018
and
Crl.M.P.Nos.17783 & 17779 of 2018

1. Ravichandran

2. Manjulajanakiraman

Director: M/s.MKR Traders (P) Limited,
No.17/17, Sannathi Street, Sholinghur,
Vellore - 631 102.

...Petitioners

Vs.

M/s.Century Flour Mills Limited
Rep. by its Accounts Executive
S.Vytheswaran
Indian Chamber Building
First Floor, No.6, Esplanade,
Chennai - 600 108.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records in C.C.No.5508 of 2018 on the file of the learned Fast Track-III, Metropolitan Magistrate, Saidapet, Chennai.

For Petitioners : M/s.E.Raj Thilak

O R D E R

This petition has been filed seeking to quash the proceedings in C.C. No.5508 of 2018, pending before the Court below.

2. The respondent has filed a complaint against four accused persons for an offence under Section 138 of Negotiable Instruments Act.

3. The learned counsel for the petitioners would submit that the first petitioner is blind and the second petitioner has not even completed 10th Standard and therefore, both these petitioners are not in charge and responsible for conducting of the business. The learned counsel would further submit that the allegations made in the complaint do not meet the requirements under Section 141 of the Negotiable Instrument Act.

4. This Court has carefully considered the submissions made by the learned counsel for the petitioners.

5. The first ground raised by the petitioners are factual in nature and the same cannot be gone into in exercise of its jurisdiction under Section 482 of Cr.P.C. The said ground can only be raised before the Court below in the course of trial.

6. Insofar as the second ground that has been raised by the learned counsel for the petitioners is concerned, sufficient allegations have been made in the complaint and it meets the requirements of Section 141 of the Negotiable Instruments Act. This Court is not inclined to interfere with the complaint at this stage.

7. The learned counsel for the petitioner requested this court to dispense with the appearance of the petitioners before the Court below. In the facts and circumstances of the case, the presence of the petitioners shall be dispensed with before the Court below and they shall be represented by a counsel. The petitioners shall be present before the Court below at the time of questioning under Section 313 of Cr.P.C and at the time of passing judgment. The counsel representing the petitioners shall cross examine the prosecution witnesses on the same day they are examined in chief. The petitioners shall not dispute the identity of the witnesses.

8. In the result, the Criminal Original Petition stands disposed of with a direction to the Court below to complete the proceedings in C.C.No.5508 of 2018, within a period of four months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS II)

//True Copy//

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Sub Assistant Registrar

To

1.The Metropolitan Magistrate,
Fast Track Court-III,
Saidapet, Chennai.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

Crl.O.P.No.30255 of 2018
and
Crl.M.P.Nos.17783 & 17779 of 2018

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nr 06/02/2019



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