



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P. (MD) .No.19031 of 2015

WEB COPY

Kannaiah

... Petitioner

Vs.

1. Rathinam

2. The Branch Manager,
State Bank of India,
Thuraiyur Branch,
Thuraiyur Post and Taluk,
Trichy District.

3. The Regional Manager,
Office of the Region,
State Bank of India,
Near Dinathanthi Office,
Trichy Post,
Trichy District.

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the Judicial Magistrate, Thuraiyur to number the unnumbered C.C.No... of 2015 and proceed with the same under Section 200 of Cr.P.C. within the period stipulated by this Court.

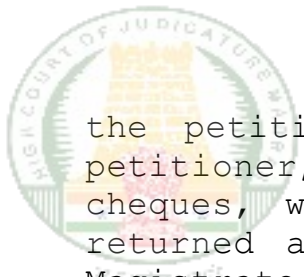
For Petitioner : Mr.A.Haja Mohideen

For Respondents : No Appearance

O R D E R

This petition is filed to to direct the Judicial Magistrate, Thuraiyur to number the unnumbered C.C.No... of 2015 and proceed with the same under Section 200 of Cr.P.C. within the period stipulated by this Court.

2.The case of the petitioner is that the petitioner misplaced the cheques drawn on State Bank of India, Thuraiyur Branch and as such, he submitted a stop payment letter dated 20.02.2015 to the second respondent. The said cheques at the hands of the first respondent and he presented the same and got dishonoured and hence, the first respopndent initiated proceedings under Section 138 of N.I. Act as against the petitioner herein. After receipt of the notice under Section 138 (b) of N.I.Act, from the first respondent, the petitioner filed a complaint implicating



the petitioners also as a accused on the allegation that the petitioner, after giving stop payment to stop the payment on the cheques, which were lost by him, the cheques were presented and returned as funds in sufficient. However, the learned Judicial Magistrate returned the complaint for maintainability. Therefore, he approached this Court.

3.Heard the learned counsel appearing for the petitioners. None appears on behalf of the respondents.

4.Perusal of the records would show that the petitioner sent a letter dated 20.02.2015 to bankers to stop the payment of these cheques, bearing Nos.219551, 219552 and 219553 drawn on State Bank of India, Thuraiyur Branch. However, there is no proof to show that the letter was received by the bankers. Further, it is nothing but one of the tactics followed by the petitioner to escape from the clutches of 138 of N.I.Act proceedings initiated by the first respondent herein. Therefore, the learned Judicial Magistrate rightly rejected the complaint for want of maintainability as against the bankers. Therefore, this Court finds no infirmity or irregularity on the order passed by the learned Judicial Magistrate and this criminal original petition is liable to be dismissed.

5.Accordingly, this criminal original petition is dismissed.

Sd/-

Assistant Registrar(CRL.SIDE)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. Judicial Magistrate, Thuraiyur.

2. The Chief Judicial Magistrate,
Trichy.

+1cc to Mr.A.Haja Mohideen,Advocate Sr.No.92607

ARUL

VB/PM/SAR4/03.12.2018/2P/4C