



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl. OP (MD)No.23136 of 2013
and
MP(MD)No.2 of 2013

1.M/s.Pamara Granites

2.M.Raphael

3.G.Viswasam

... Petitioners

Vs.

1.S.Rajaram Mohanraj

2.Bense Raj

... Respondents

Prayer : This Criminal Original Petition is filed Under Section 482 of Criminal Procedure Code to call for the records in connection with S.T.C.No.539 of 2013 on the file of the Judicial Magistrate No.VI, Tiruchirappalli, Tiruchirappalli District, quash the same as well as the consequent summons as against the petitioners herein as accused Nos.1, 2 and 4 respectively.

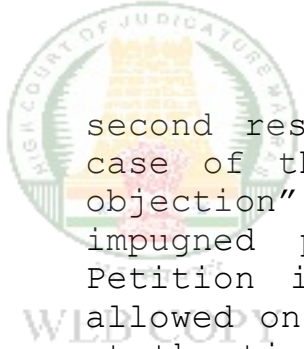
For Petitioner : Mr.S.Xavier Rajini

For Respondent - 1 : Mr.C.Venkateswaran

ORDER

The petitioners have filed this petition for quashing STC.No.539 of 2013 on the file of the Judicial Magistrate No.VI, Trichy, Trichy District. The first respondent is the complainant. The cheques in question got bounced. But, the complaint was not filed within time. There was a delay. The second respondent herein who was one of the accused and who is no more, appears to have made an endorsement that he has no objection for condonation of delay. Based on the endorsement made by the second respondent herein, the learned Trial Magistrate straightaway allowed the application for condonation of delay. This is objected to by the other accused and they are before this Court.

2.The petitioners' allegation is that the complainant and the



second respondent colluded between themselves. It is not the case of the complainant that the petitioners also endorsed "no objection" and agreed for condonation of delay. Therefore, the impugned proceedings stand quashed. This Criminal Original Petition is allowed. It is made clear that this petition is allowed on the limited ground that the petitioners were not heard at the time of condonation of delay. Therefore, in all fairness, the original position must be restored. It is open to the first respondent to prosecute Cr.MP No.473 of 2011 afresh and in accordance with law.

3. With this liberty, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.VI,
Tiruchirappalli.

+ 1 cc TO Mr.S.Xavier Rajini , Advocate in SR No. 63939
+ 1 cc TO Mr.C.Vakeeswaran , Advocate in SR No. 63932

skm
AE/SV/SAR3/31.07.2018/2P/4C

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and
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