

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.4014 of 2016

Dayanandam

...Petitioner

Vs.

T.Bheemarajan
...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 1st respondent, District Munsif cum Judicial Magistrate, Sriperumbudur to dispose of the case in C.C.No.596 of 2008 filed under Section 138 and 142 of Negotiable Instruments Act, within a specified time frame.

For Petitioner : Mr.V.Raghavachari

For Respondent : No Appearance

O R D E R

The present Criminal Original Petition has been filed to direct the 1st respondent, District Munsif cum Judicial Magistrate, Sriperumbudur to dispose of the case in C.C.No.596 of 2008 filed under Section 138 and 142 of Negotiable Instruments Act, within a specified time frame.

2.Heard the learned counsel for the petitioner.

3.The petitioner and 2nd respondent are engaged in the real estate business. They were involved in certain dealings regarding real estate brokerage. During the month of March, 2007 all payments received by respondent, for work done jointly, were received by the respondent. The petitioner was not given his half of the profits. Throughout the period between March, 2007 to November, 2007 the petitioner had repeatedly requested the respondent to pay sum of Rs.7,60,000/- towards his share of the profits for the month of March, 2007. On 30.11.2007 the respondent issued a cheque bearing No.613470 drawn on ICICI Bank Ltd., at Alwar Thirunagar Branch, Arcot Road, Alwar Thirunagar Chennai 600 087. The cheque amount was Rs.3,80,000/-; being half the money due and payable to the petitioner. The cheque

was presented on the same day at Central Bank Ltd., Sriperumbudur Branch. To his surprise the said cheque was returned with an endorsement dated 05.12.2007 stating 'insufficient funds'. When respondent was approached, he requested the petitioner to represent the cheque on 17.12.2007. Once again, the cheque was returned with the same endorsement on 27.12.2007. When the petitioner approached the respondent again, he pleaded with the petitioner to wait till the month of February. Being business partners, the petitioner waited till February and as requested by the respondent the petitioner presented the cheque on 05.02.2008. The cheque was returned for the third time with the same endorsement on 08.02.2008. This infuriated the petitioner. On 20.02.2008 the mandatory notice under the Section 138 of Negotiable Instruments Act 1881, was issued. Hence, the petitioner filed this criminal original petition.

4.Considering the facts and circumstances of the case, this Court directs the District Munsif cum Judicial Magistrate, Sriperumbudur to dispose the case in C.C.No.596 of 2008 within a period of three months from the date of the receipt of a copy of this Order, if not already disposed.

5.This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

rna

To

The District Munsif cum Judicial
Magistrate, Sriperumbudur.

WEB COPY

CrI.O.P.No.4014 of 2016

PM(CO)
GMY (22/05/2019)