

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3534 of 2019

R.Sekar

...Petitioner

-Vs-

J.Aranganathan

...Respondent

Prayer: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to set aside the order passed by the learned Additional District Munsif cum Judicial Magistrate, Ambur, Vellore District in C.M.P.No.2315 of 2018 in S.T.C.No.155 of 2015 dated 05.01.2019.

For Petitioner : Mr.M.Rajendiran

O R D E R

This Criminal Original Petition has been filed challenging the order dated 05.01.2019, passed in Crl.M.P.No.2315 of 2018 in S.T.C.No.155 of 2015 on the file of the learned Additional District Munsif cum Judicial Magistrate, Ambur, Vellore.

2.The petitioner is facing trial before the learned Additional District Munsif cum Judicial Magistrate, Ambur, Vellore for the offences under Sections 138 & 142 of the Negotiable Instruments Act. The petitioner filed a Crl.M.P.No.2315 of 2018 in S.T.C.No.155 of 2015 to send the disputed cheque for getting opinion of the handwriting expert. But, the Court below dismissed the petition filed by the petitioner, as per Section 20 of the Negotiable Instruments Act. Hence, the present petition filed to set aside the order passed by the Court below.

3.It is seen that as per Section 20 of the Negotiable Instruments Act, the drawer of the cheque gives authority to the payee or holder in due course or a stranger for that matter to fill up the cheque signed by him. Therefore, the Court below had rightly dismissed the petition filed by the petitioner.

This Court is not able to find any illegality or infirmity in the order passed by the Court below.

4. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

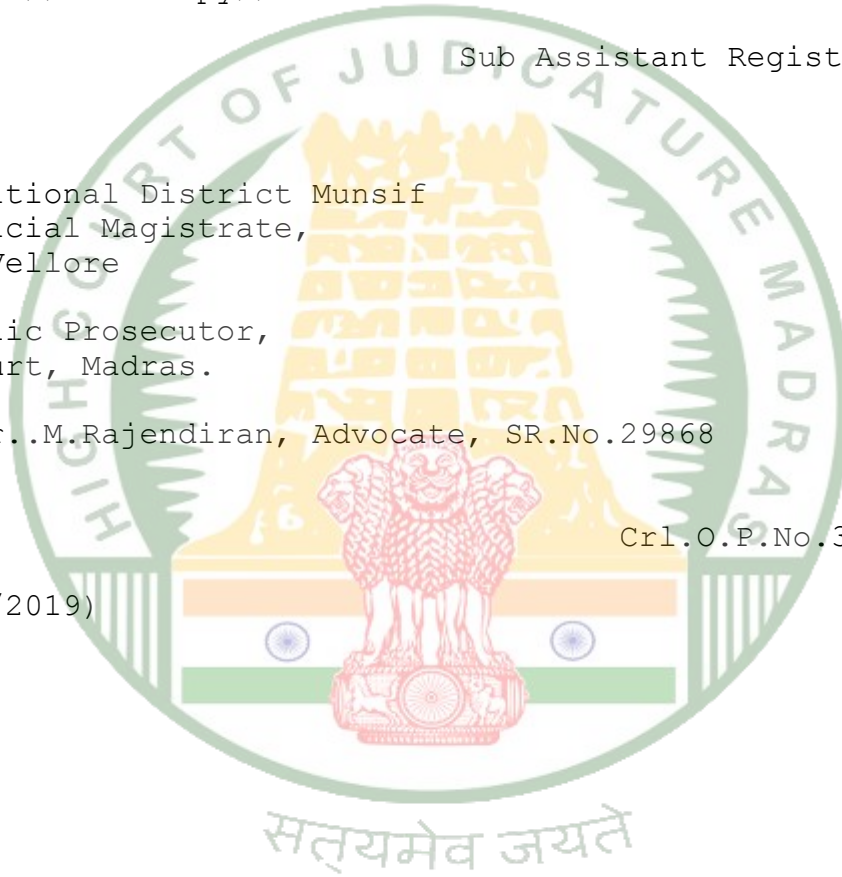
1. The Additional District Munsif
cum Judicial Magistrate,
Ambur, Vellore

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr..M.Rajendiran, Advocate, SR.No.29868

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Kak (14/05/2019)



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