

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.11100 of 2019

and

Crl.M.P.No.5636 of 2019

G.Tamil Selvi ... Petitioner/Appellant/Accused

Vs.

V.Archana Rani
Proprietor of M/s.Vivina Textiles
Rep. by its Power of Attorney Holder
R.Nagarajan
Manager of M/s.Vivina Textiles

... Respondent/Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Principal District and Session Court, Tiruppur to dispose the C.M.P.no.135 of 2018 filed under Section 391 Cr.P.C in Crl.A.No.24 of 2017 on the file of the Principal District and Session Court, Tiruppur within the time frame stipulated by this Court.

For Petitioner : Mr.Deepan Uday

O R D E R

The Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Principal District and Session Court, Tiruppur to dispose the C.M.P.No.135 of 2018 filed under Section 391 Cr.P.C in Crl.A.No.24 of 2017 on the file of the Principal District and Session Court, Tiruppur within the time frame stipulated by this Court.

2.The learned counsel for the petitioner would submit that the complainant filed a complaint against the petitioner under Section 138 of N.I.Act r/w Section 200 Cr.P.C. before the learned Judicial Magistrate No.1 of Tiruppur and then the case was transferred to the learned Judicial Magistrate (Fast Track Court) of Tiruppur in C.C.No.287 of 2005 on 24.01.2017 and the petitioner was convicted for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo 1 year

imprisonment and ordered to pay a fine of Rs.1,000/- in default to undergo 1 month imprisonment. Thereafter, the petitioner preferred an appeal in Crl.A.No.24 of 2017. During the pendency of the appeal the police official conducted enquiry with both the petitioner and the respondent. The respondent at the time of enquiry admitted that the case cheque amount was already adjusted in that Vivina Textile and their company only has to pay the balance amount to this petitioner's company. After the adjustment, the respondent company has to pay a balance sum of Rs.2 lakhs to the petitioner. Based on that the respondent settled the part amount of Rs.1 lakh through cheque bearing No.000003 Kotak Mahindra Bank and balance amount to be settled after withdrawing this case. For the proof of the same, the respondent given a letter to the police officials on 23.05.2017. Hence, the petitioner wants to mark the said letter given by the respondent, cheque given by the respondent and petitioner's bank account statement. The respondent purposely suppressed the above fact for getting unlawful gain from the petitioner. Subsequently, the petitioner filed a C.M.P.No.135 of 2018 filed under Section 391 Cr.P.C. in Crl.A.No.24 of 2017. Hence, this petition.

3.Considering the facts and circumstances of the case, the learned Principal District and Sessions Court, Tiruppur is hereby directed to dispose the C.M.P.No.135 of 2018 filed under Section 391 Cr.P.C. in Crl.A.No.24 of 2017 within a period of eight weeks from the date of receipt of a copy of this order.

4.With the above direction, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To.

The Principal District and Session Court
Tiruppur.

+lcc to Mr.Deepan Uday, Advocate Sr.40323

Crl.O.P.No.11100 of 2019

ssd[co]
srg 6/6/2019