

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.R.C.No.777 of 2019

1.M/s.Sujatha Sunitha Combines,
represented by Sujatha, Partner,
having office at No.B-5, 282,
4th Link Street, Sadhasiva Nagar,
Madipakkam, Chennai-91.

2.Mrs.Sujatha

3.Mrs.Sunitha ... Petitioners/Accused

Vs.

Mr.A.P.Sevvel ... Respondent/Complainant

Criminal Revision filed under Section 397 r/w 401 Cr.P.C.,
to set aside the order dated 11.03.2019 passed in C.M.P.No.1381
of 2019 in C.C.No.333 of 2016 on the file of the Judicial
Magistrate Court No.II (Fast Track Court), Coimbatore.

For Petitioners : Mr.K.Selvakumar

O R D E R

This revision petition has been filed seeking to set aside
the order dated 11.03.2019 passed in C.M.P.No.1381 of 2019 in
C.C.No.333 of 2016 on the file of the Judicial Magistrate Court
No.II (Fast Track Court), Coimbatore.

2. For the sake of convenience, the petitioners and the
respondent will be referred as the accused and the complainant,
respectively.

3. The facts of the case in a nutshell are as under:

3.1 It is the case of the complainant that the accused
were into film making and on 28.01.2014, the accused borrowed a
sum of Rs.20,00,000/- from the complainant. The complainant has

transferred the sum of Rs.20,00,000/- by RTGS into the account of the accused on 28.01.2014. Towards the liability, the accused gave a cheque bearing No.362279 for Rs.20,00,000/- on 12.11.2014, drawn on Punjab National Bank, Chandra Nagar, Palakkad. The complainant had presented the cheque on 12.11.2014 and the same was returned with

the endorsement "Account Closed". On coming to know of it, the complainant issued a statutory notice dated 13.12.2014, for which, the accused gave a reply notice. Thereafter, the complainant initiated a prosecution in C.C.No.333 of 2016 before the Judicial Magistrate No.II (Fast Track Court), Coimbatore, under Section 138 of the Negotiable Instruments Act, 1881 (for brevity "the NI Act"), against the accused.

3.2 Before the Trial Court, the complainant was examined as PW1 and was also cross-examined by the accused. The accused were questioned under Section 313 Cr.P.C. about the incriminating circumstances appearing against them.

3.3 When the matter was posted for arguments, the accused filed C.M.P.No.1381 of 2019 in C.C.No.333 of 2016 under Section 45 of the Evidence Act, for sending the impugned cheque to the handwriting expert for opinion on the premise that the accused had not filled up the cheque leaf. The Trial Court has dismissed the said petition on 11.03.2019, challenging which, the accused is before this Court.

4. Heard Mr.K.Selvakumar, learned counsel for the accused and perused the records.

5. It is seen that the accused had not denied the execution of the impugned cheque at all. Assuming for a moment that the complainant had filled up the other portions of the cheque, the same cannot be said to be illegal in view of Section 20 of the NI Act. The Trial Court has considered all these aspects threadbare for negating the prayer of the accused.

6. This Court does not find any infirmity in the order so passed by the Trial Court warranting interference.

In the result, this petition is dismissed as being devoid of merits.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

nsd

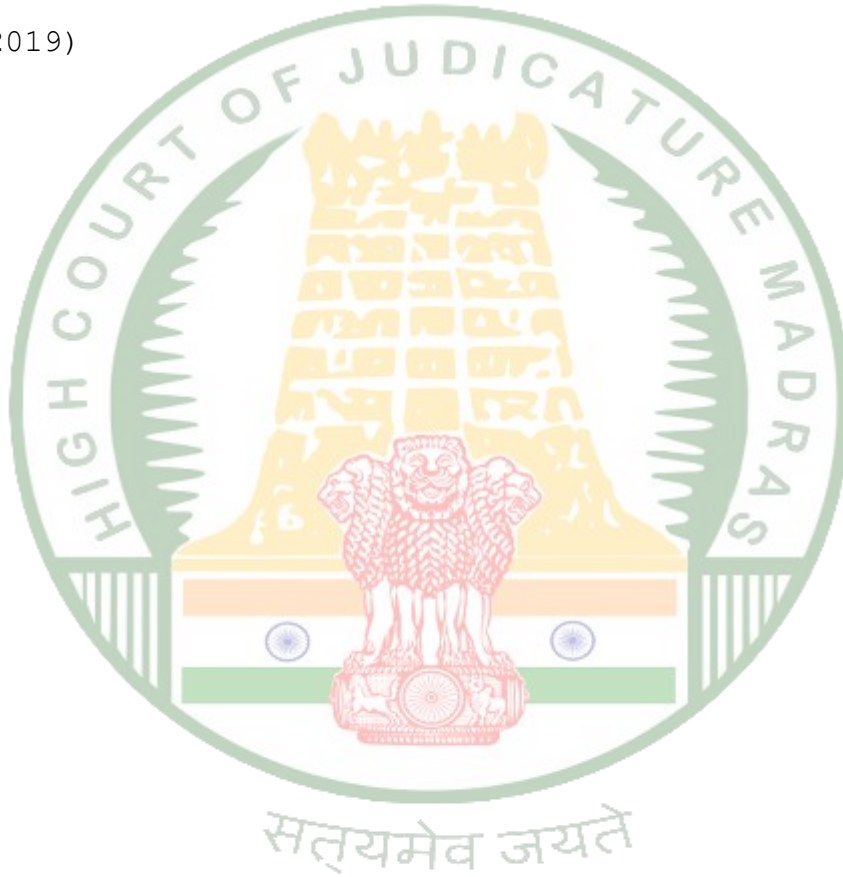
To

1.The Judicial Magistrate Court No.II
Fast Track Court,
Coimbatore.

2.Through The Chief Judicial Magistrate
Coimbatore.

Cr1.R.C.No.777 of 2019

SPD (CO)
CB(01/10/2019)



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