

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.1375 of 2014
and M.P.No.1 of 2014

1.M/s.Om Sakthi Textiles,

Represented by its Managing Partner,
A.Saradhamani

2.A.Saradhamani

3.A.Ramaya

... Petitioners/Accused 1 to 3

Vs

M/s.SJLT Textiles (P) Ltd, Unit-I

Represented

By its Managing Director,

V.Jegadeesan,

Represented by Power Agent/Manager,

E.K.P.Sambanathan

... Respondent

Prayer:

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records in STC No.166 of 2013 on the file of
Learned Fast Track Cum Judicial Magistrate of Tiruchengode,
Namakkal District and Quash the same.

For Petitioners : Mr.C.D.Johnson

For Respondent : Mr.N.Manokaran

ORDER

This Criminal Original Petition has been filed to quash
the proceedings in STC.No.166 of 2013 on the file of the learned
Fast Track Cum Judicial Magistrate of Tiruchengode, Namakkal
District, having been taken cognizance for the offences
punishable under Sections 138 and 142 of Negotiable Instruments
Act.

2. The learned Counsel appearing for the petitioners would
submit that the petitioners are innocent persons and they have
not committed any offence as alleged by the prosecution. Without

any base, the learned Magistrate has taken cognizance of the case in STC.No.166 of 2013 for the offences under Sections 138 and 142 of Negotiable Instruments Act, as against the petitioners. Hence he prayed to quash the same.

3. The learned counsel for the respondent would submit that there are specific allegations as against the petitioners to attract the offences under Sections 138 and 142 of Negotiable Instruments Act. He further submitted that the trial has already been commenced in this case and all the points raised by the petitioners have to be considered only during the trial. Therefore, he prayed to dismiss this petition.

4. Heard the learned counsel appearing for the petitioners and the learned counsel for the respondent.

5. It is seen that there are specific averments to attract the offences as against the petitioners. Further it is also seen that there are materials to connect the petitioner to the offences and trial has also been commenced. More over all the points raised by the petitioners have to be considered only during the trial. Hence, the petitioners are at liberty to raise all the points before the Court below during the trial. Further the third petitioner is the daughter of the second petitioner and also she is a college going student. Considering the same, the personal appearance of the third petitioner is dispensed with and she shall be represented by a counsel after filing appropriate application. The third petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C. and at the time of passing judgment.

6. Considering the case is of the year 2014, the trial Court is directed to complete the trial proceedings within a period of three months from the date of receipt of this Order.

7. With the above observations, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pds/lok

To

The Learned Fast Track Cum
Judicial Magistrate of Tiruchengode,
Namakkal District.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.24363

Cr1.O.P.No.1375 of 2014

RSI (CO)
CS/13/06/2019



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