

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.19577 of 2019

Balakrishnan

His Power of Attorney,

Arun Pandian

... Petitioner/Complainant

vs.

1. Settipalli Suresh

2. Settipalli Vaishnavi

... Respondents/Accused

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to permit counsel of the petitioner to serve copy of summons in C.C.No.369 of 2017 on the file of the Fast Track Court-III, Saidapet, Chennai on the counsel of the respondents/accused in the civil suit in CS.No.247 of 2007 while next listed.

For Petitioner : Mr.K.P.Anantha Krishna

O R D E R

This petition has been filed to permit the petitioner to serve the summons on the respondents in-person while he attends for the proceedings before this Court in C.S.No.247 of 2007.

2. The petitioner filed a complaint against the respondents under Section 138 of Negotiable Instruments Act. The cognizance was taken in the year 2017 and the petitioner was not able to serve the summons to the respondents since he was evading. It is brought to the notice of this Court that, the bailable warrant is now pending against the respondents.

3. The learned counsel for the petitioner submitted that the respondents are attending trial before this Court in CS.No.247 of 2007 and therefore the petitioner must be permitted to serve the summons on the respondents while he comes to attend the trial before this Court. The learned counsel for the petitioner further submitted that this is the only way to ensure that the respondents are served with the summons and if in spite of service, the respondents fails to appear before the Court, steps

can be taken for issuance of non-bailable warrant against the respondents.

4. Taking into consideration the facts and circumstances of the case, the petitioner is directed to serve summons to the respondents in C.C.No.369 of 2017, while the respondents come to attend the trial proceedings in C.S.No.247 of 2007 before this Court. The summons shall be served on the respondents along with a copy of this Order. It is also made clear that, it can be served even to the counsel representing the respondents before this Court in C.S.No.247 of 2007.

5. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

The III Metropolitan Magistrate,
The Fast Track Court-III,
Saidapet, Chennai.

CrI.O.P No.19577 of 2019

ev[col]
srg 30/08/2019

WEB COPY