

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN
CRL.OP.No.2713 of 2017
and CRL.M.P.No.1900 of 2017

M.Sathyamoorthy

... Petitioner

Vs.

U.Selvaraj

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to set-aside the order made in Crl.M.P.No.7999 of 2016 in S.T.C.No.3284 of 2012 on the file of the learned Judicial Magistrate No.I, Mannargudi dated 19.01.2017 on the petition filed under Section 311 Code of Criminal Procedure by the petitioner.

For Petitioner : No appearance

For Respondent : Mr.R.Vivekananthan

O R D E R

The Criminal Original Petition has been filed to set-aside the order made in Crl.M.P.No.7999 of 2016 in S.T.C.No.3284 of 2012 on the file of the learned Judicial Magistrate No.I, Mannargudi dated 19.01.2017 on the petition filed under Section 311 Code of Criminal Procedure by the petitioner.

2. There is no representation on the side of the petitioner. Heard Mr.R.Vivekananthan, learned counsel appearing for the respondent and perused the materials available on record.

3. It is seen from the records that the petitioner had borrowed a sum of Rs.4,00,000/- from the complainant on 01.10.2012. As per the request of complainant, the petitioner had issued a cheque bearing Cheque No.711478 dated on 19.11.2012 drawn on ICICI Bank, Mannargudi Branch. The complainant presented the aforesaid Cheque to encash the same with his Banker viz., Indian Bank, Gandhi Road Branch and the same was returned on 26.11.2012 with an endorsement "Insufficient Funds".

4.It is also seen that the fact of the dishonored Cheque was allegedly brought to the notice of the petitioner through a legal notice which was sent on 26.11.2012 with an acknowledgement card and the same was received by the petitioner/accused on 27.11.2012. After receipt of the said legal notice, there was no reply from the petitioner. Hence, the complainant had lodged a complaint against the petitioner/accused for the alleged commission of offence under Section 138 of the Negotiable Instruments Act. The learned Magistrate taken cognizance for the alleged offence under Section 138 of the Negotiable Instruments Act and passed the order.

5.Considering the above facts and circumstances of the case, this Court finds no infirmity or irregularity in the order passed in Crl.MP.No.7999 of 2016 in S.T.C.No.3284 of 2012, dated 19.01.2017, on the file of the learned Judicial Magistrate No.I, Mannargudi. Therefore, this Court is not inclined to set aside the same.

6.With the above observation, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To,

The Judicial Magistrate, Mannargudi.

A.SK(24/06/2019)

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and CRL.M.P.No.1900 of 2017