

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.19077 of 2017

Suresh

... Petitioner

Vs.

Packiyaraj

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and set aside the docketal order dated 22.08.2017 in Unnumbered STC.No.of 2017 passed by the District Munsif cum Judicial Magistrate, Kattumannarkoil, Cuddalore District and consequently directing the learned District Munsif cum Judicial Magistrate, Kattumannarkoil, Cuddalore District to take the complaint on file and deal with the accused in accordance with law.

For Petitioner : Mr.G.Pugazhenthir

O R D E R

The Criminal Original Petition has been filed to set aside the docketal order dated 22.08.2017 in unnumbered STC.No. of 2017 passed by the learned District Munsif cum Judicial Magistrate, Kattumannarkoil, Cuddalore District and consequently direct the learned District Munsif cum Judicial Magistrate, Kattumannarkoil, Cuddalore District to take the complaint on file and deal with the accused in accordance with law.

2.It is seen that the petition has been filed challenging the order passed by the learned District Munsif cum Judicial Magistrate, Kattumannarkoil, Cuddalore District thereby returned the complaint for the reason that the complaint has to be filed within a period of 15 days from the return of statutory notice.

3.It is also seen from the complaint that the petitioner issued statutory notice on 14.06.2017 and the said notice was returned on 15.06.2017. The time for payment has been given 15 days as contemplated under Section 138 of the Negotiable Instruments Act. The period of 15 days completed on 30.06.2017. Therefore, the cause of action has been arisen from 01.07.2017 to file a complaint. Accordingly, the petitioner/defacto

complainant filed a complaint on 28.07.2017. Therefore, the complaint filed within the time.

4.Considering the above facts and circumstance of the case, the learned District Munsif cum Judicial Magistrate, Kattumannarkoil, Cuddalore District, is directed to take cognizance and issue summon to the respondent and proceed with the trial in accordance with law.

5.With the above observation and direction, the Criminal Original Petition stands allowed and the dockettal order dated 22.08.2017 in unnumbered STC.No.of 2017 passed by the learned District Munsif cum Judicial Magistrate, Kattumannarkoil, Cuddalore District is set aside.

6.Registry is directed to return the original complaint filed by the petitioner. On receipt of the same, the petitioner is directed to represent the complaint within a period of 15 days from the date of the receipt of the original complaint from the Registry.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pam

To

The District Munsif cum Judicial Magistrate,
Kattumannarkoil,
Cuddalore District.

+1 cc to Mr.Pugazhenthir, Advocate, S.R.No.38599

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SSM(06/06/2019)

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