



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 03.10.2019

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THE HONOURABLE MR. JUSTICE V.PARTHIBAN

CRL. R.C. (MD) NOS. 735 & 738 TO 741 OF 2019

AND

CRL. M.P. (MD) NOS. 8545, 8546, 8550, 8552, 8554 TO 8557, 8559 & 8560 OF 2019

1. M/s.Bass & Co.
No.4 & 10, Corporation Building
TVK Road, Near Police Station
Ammamet, Salem 636 001.

2. Mrs. R.Chitrakala .. Petitioners in all revisions

- Vs -

M/s.Dhandapani Cements Pvt. Ltd.
Kariyamanickam Road
S.Pudur, Samayapuram Post
Manachanallur Taluk, Trichy Dt.
Rep. by its Manager-cum
Authorized Person, Mr.V.Kalyanasunadram
No.69, Ganapathy Nagar
Thiruvanaikovil,
Tiruchirappalli 620 005.

.. Respondent in all revisions

Common Prayer: Criminal Revision Cases filed u/s 397 r/w 401 of the Code of Criminal Procedure, against the order dated 06.06.2019, passed by the learned Judicial Magistrate No.1, Trichy, in Cr. M.P. Nos.1485 to 1489 of 2019 in CC.Nos.369 to 373/19.

For Petitioner : Mr. M.Natarajan

ORDER

The present revisions have been filed against the orders passed by the learned Judicial Magistrate No.1, Trichy, dismissing the miscellaneous petitions filed by the petitioners herein.

2. The complaint was lodged by the respondent/complainant against the petitioners for the offence u/s 138 of the Negotiable Instruments Act. It is the case of the complainant that the petitioners/accused have not made the payments towards purchase of goods from the respondent/complainant company and the cheques issued by them are not cashed, when presented with the complainant's banker,



returned due to insufficiency of funds and the notice issued by the complainant calling upon the petitioners to pay the amount did not yield any fruitful response and, therefore, the complaint was lodged for taking cognizance of the case.

3. The petitioners herein/accused filed discharge petitions seeking discharge raising various grounds, which were countered by the complainant. The trial court, after consideration of the entire facts placed before it, held that the matter could be appreciated only after full fledged trial and after examination of witnesses and it would not be in the interest of the complainant to discharge the petitioners at that stage and, accordingly, dismissed the said discharge petitions. Aggrieved by the said orders, the present revision petitions have been filed.

4. Learned counsel appearing for the petitioners herein/accused reiterated the grounds raised in the petition and also advanced the pleas as were taken by the accused before the court below and prayed this Court to set aside the order passed by the court below and to discharge the petitioners.

5. This Court has carefully considered the submissions advanced by the learned counsel for the petitioners and also perused the materials available on record as also the reasonings recorded by the trial court in the impugned orders.

6. A perusal of the orders of the court below clearly reveals that the court below has applied its mind to the materials available on record and the stand of the parties and has held that the truth or otherwise in the issue could be elicited only after examination of witnesses and perusal of documentary evidence and the legal issues raised with regard to the status of the authorised person to lodge the complaint and all these needs to be appreciated only at the time of the trial and, therefore, it would not be prudent to discharge the petitioners at the present point of time.

7. This Court is in complete agreement with the view taken by the court below. Without putting the witnesses to examination and without examining the material documents, discharging the petitioners/accused would work grave prejudice to the complainant. Further, on the materials available on record, this Court is of the considered view that the filing of the present petitions is nothing but an abusive of process of law with an intent to drag on the proceedings. Accordingly, this Court is inclined to dismiss the petitions with costs.

8. For the reasons aforesaid, these revision petitions are dismissed with a cost of Rs.1,000/- (Rupees One Thousand only) in each of the revision petition, totalling to Rs.5,000/= in all, to be payable to the respondent/complainant within a period of two weeks



from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are also dismissed.

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// True Copy //

Sd/-

Assistant Registrar (CO)

Sub Assistant Registrar(CS)

GLN

To
The Judicial Magistrate No.I, Trichy.

CRL. R.C. (MD) NOS.735 & 738
TO 741 OF 2019
03.10.2019

JMN(21.10.2019) 3P : 2C