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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.12.2019
CORAM
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
CRL OP (MD) . No.22996 of 2015
and
M.P. (MD)Nos.1 and 2 of 2015

Bhuvaneswari

... Petitioner/Accused

-Vs-

M.Ponuchamy

... Respondents/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to the petitioner against in the private complaint in S.T.C.No.662 of 2015, on the file of the Judicial Magistrate Court No.II, Sivagangai, Sivagangai District and quash the same as illegal.

For Petitioner	: Mr.R.Udhayakumar
For Respondent	: Mr.V.S.Kumaraguru

O R D E R

The petitioner is facing prosecution for the offence under Section 138 of Negotiable Instruments Act in S.T.C.No.662 of 2015, on the file of the learned Judicial Magistrate No.II, Sivagangai.

2.The respondent herein the complainant.

3.The petitioner would claim that the cheque in question originally born the date 18.03.2015 and that it was materially altered as 18.05.2015 and thereafter presented for collection.

4.But this is a factual aspect and therefore, this issue will have to be necessarily adjudicated by the Court below. The petitioner's counsel would claim that since the cheque was originally dated 18.03.2015, its validity expired by 17.06.2015. It was actually presented for collection on 29.07.2015. By then, it had become stale. In order to overcome the same, the date was materially altered from 18.03.2015 to 18.05.2015. But then, I cannot go into the aspect of this matter while exercising my inherent jurisdiction. Therefore, leaving open all the petitioner's contentions and defences, the criminal original petition stands dismissed.

5.The petitioner is a woman. Therefore, the personal appearance of the petitioner is dispensed with. The learned Trial Judge shall not insist the personal appearance of the petitioner



unless it is necessary or imperative. Of course, she will have to be represented by her counsel. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar ()

/ /2020

Sub Assistant Registrar(CS)

ias

To:

The Judicial Magistrate No.II,
Sivagangai, Sivagangai District.

Crl.O.P. (MD)No.22996 of 2015

10.12.2019

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