



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD) Nos.23710 and 23711 of 2015

and

M.P. (MD) Nos.1, 1, 2 and 2 of 2015

and

Crl.M.P. (MD) Nos.10875 and 10876 of 2015

Suji ... Petitioner/Accused in Crl.O.P. (MD) No.23710
of 2015

C.Sampath ... Petitioner/Accused in Crl.O.P. (MD) No.23711
of 2015

Vs

M/s.Sri Gokulam Chit & Finance Co.Pvt.Ltd.,
Divisional Office at
Nagercoil,
rep by its Authorised Agent,
P.Rajasekar ... Respondent/Complainant in both Crl.O.Ps.

COMMON PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the complaint S.T.C.Nos.282 and 283 of 2015 on the file of the learned Judicial Magistrate Fast Track Court, Magisterial Level No.1, Nagercoil and quash the same.

For Petitioner : Mr.C.Jeganathan
(in both Crl.O.Ps) for M/s.Veera Associates

For Respondent : Mr.B.Christopher
(in both Crl.O.Ps)

COMMON ORDER

The petitioners are facing trial in cases instituted under Section 138 of the Negotiable Instruments Act by the respondent Chit Company.

2.The matter was referred to mediation. An agreement was arrived at between the parties on 29.02.2016. The petitioners herein were to clear their entire liability by 29.09.2016. But unfortunately, the petitioners have not adhered to the mediation agreement. Therefore, I am of the view that they are not entitled to the indulgence of this Court. Both the criminal original petitions stand dismissed. However, in as much as, the petitioners herein have substantially liquidated their liability, they may be given one more opportunity to settle the dues by the Court below.



3. With these observations, this criminal original petitions stand dismissed. The personal appearance of the petitioners is dispensed with. However, the Court below will insist on the personal appearance of the petitioners only on three occasions namely, to answer the charge, to examination under Section 313 of Cr.P.C., and at the time of pronouncing Judgment. On all other occasions, the petitioners need not appear before the Court below. However, on those occasions, the petitioners will have to be represented by their counsel. If the petitioners' counsel is also absent, the benefit of dispensing the personal appearance of the petitioners will stand automatically vacated. It is made clear that this Court has not pronounced anything on the merits of the matter. All the contentions of the petitioners are left open. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)

rmi

To

The Judicial Magistrate Fast Track Court,
Magisterial Level No.1, Nagercoil.

+1 CC to M/s.M/S.B.CHRISTOPHER, Advocate (SR-104287[F] dated
10/12/2019)

+2 CC to M/s.VEERA ASSOCIATES, Advocate (SR-104370[F] & SR-104369
dated 11/12/2019)

Cr1.O.P(MD)Nos.23710 and 23711 of 2015
10.12.2019

AP(02/06/2020) 2P 5C