



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **14.11.2019**

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P. (MD) .No.11708 of 2018

and

CrI.M.P (MD) .No.5305 of 2018

WEB COPY

1.M/s.Laxmi Selvaraj Tex Private Limited
Rep. by K.P.S.Manoharan

2.K.P.S.Manoharan
3.K.P.S.Muniswaran
4.K.P.S.Sivakumar
5.E.Muniswaran

...Petitioners/Accused Nos.1 to 5

Vs.

M/s.Kerry Indev Logistics Pvt Ltd.,
through its Branch Manager
Cum Power of Attorney Agent
A.Meenakshi Sundaram
S/o.Arunachalam

...Respondent / Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to the Cr.M.P.No.2040 of 2018 in C.C.No.13 of 2018 on the file of the Judicial Magistrate (Fast Track), Thoothukudi and set-aside the order passed in Cr.M.P.No.2040 of 2018, dated 26.06.2018 and direct him to accept the cash surety as prayed for and pass such further or other order as this Hon'ble Court may deem fit and proper in the circumstance of the case.

For Petitioners : No Appearance
For Respondent : Mr.G.Prabhu Rajadurai

O R D E R

This petition has been filed to set-aside the order passed in Cr.M.P.No.2040 of 2018 in C.C.No.13 of 2018 on the file of the learned Judicial Magistrate (Fast Track), Thoothukudi, dated 26.06.2018.

2.The petitioners filed a petition under Section 445 of Cr.P.C. in Cr.M.P.No.2040 of 2018 in C.C.No.13 of 2018 before the learned Judicial Magistrate (Fast Track), Thoothukudi seeking permission to produce cash surety instead of executing bond worth at



Rs.10,000/- and one surety must be the family members and the other surety must be a person from the locality where the petitioners are reside.

3.The learned counsel for the respondent would submit that the main complaint arising under Negotiable Instruments Act. The total cheque amount is Rs.5,28,489. The respondent is paying the amount regularly and so far he paid a sum of Rs.1,00,000/- and the case is pending for trial. Therefore, executing bond and surety was already over. Therefore nothing survives in this petition.

3.Recording the said submission, the prayer sought for in this petition cannot be considered at this stage. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

vsd

To

The Judicial Magistrate (Fast Track),
Thoothukudi.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-98469[F] dated
15/11/2019)

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KK/SAR/13.12.2019/2P-3C/