

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2020

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 32746 of 2019

N.Rajarajan

... Petitioner

Vs

S.Karthikeyan

.... Respondent

PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, praying, to set aside the dismissal order passed by the learned Metropolitan Magistrate, FTC-II, Egmore, Allikulam, Chennnai in Crl.M.P.No.4285 of 2019 in C.C.No.3679 of 2017 dated 20.11.2019.

For Petitioner : Mr.C.Ashok Kumar

For Respondent : Mr.P.Raja

ORDER

This Criminal Original Petition has been filed to set aside the dismissal order passed by the learned Metropolitan Magistrate, FTC-II, Egmore, Allikulam, Chennnai in Crl.M.P.No.4285 of 2019 in C.C.No.3679 of 2017 dated 20.11.2019.

2. The petitioner is facing the trial for the offence under Section 138 of the Negotiable Instruments Act. According to the petitioner, during the cross examination, the respondent had categorically admitted that all the monies which were lent to the petitioner have been accounted and it is shown in the Income Tax Returns. Though the respondent had shown the transaction amount in his Income Tax Returns, it has nothing to do with the present case. During 313 questioning itself the petitioner has admitted his liability and only on the stage of arguments, the present petition has been filed.

3. From the above it is clear that the petitioner has filed this petition only to drag on the proceedings and nothing else. Further, signature of the cheque and issuance of the cheque have

not been disputed by the petitioner and as such, the arguments on Income Tax Returns are not at all necessary, which is nothing but a misleading statement. Therefore, this Court finds no merits in this petition, prompting any illegality and infirmity in the order passed by the trial Court. However, the trial Court is directed to complete the trial within a period of three months from the date of receipt of a copy of this order.

4. In view of the above direction, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kv

To

Metropolitan Magistrate, FTC-II, Egmore, Allikulam, Chennai

+1cc to M/s.P.Raja, Advocate, Sr.No.22989

+1cc to G.Ashok Kumar, Advocate, Sr.No.22567

Cr1.O.P.No. 32746 of 2019

RGN (CO)
GS (29/05/2020)

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