



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.8583 of 2017

and

Crl.M.P.No. 6114 of 2017

C.Jayanthi,
W/o. V.Subramanian

...Petitioner

Versus

V.P.Periasamy,
S/o. Ponmalai

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the proceedings of the learned Judicial Magistrate No.3, Salem in C.C.No.81 of 2006 dated 29.09.2015 set aside the same.

For Petitioner : Mr.Vijay for
Mr.M.Devaraj

For Respondent : Mr.N.Manokaran

ORDER

(This case has been heard through video conference)

This Court is of the view that the learned Judicial Magistrate No.III, Salem had passed an order taking note of the fact that it has no jurisdiction to entertain the petition at the relevant point of time in the year 2015. In view of the decision reported in 2014 (9) SCC 129 in the case of Dasharath Rupsingh Rathod vs. State of Maharashtra, it is not in dispute that when the cheque was dishonoured in Salem, only the Courts at Salem is having jurisdiction. In such view of the matter, this Court does not find any infirmity in the order passed by the learned Judicial Magistrate No.V, Salem. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

2. It is stated that the respondent/accused is still absconding and non-bailable warrant was pending against him. He



is a Doctor by profession and he is residing at Chennai. Hence, the respondent/accused is directed to appear before the Judicial Magistrate No.3, Salem on 18.11.2021 and execute a bond for the value of Rs.10,000/- with two sureties to the satisfaction of Judicial Magistrate No.3, Salem. On such execution of bond and production of sureties, the respondent/accused shall be released by the Judicial Magistrate No.3, Salem. As the criminal case is of the year 2006, the learned Judicial Magistrate No.3, Salem is directed to dispose the criminal case within a period of six months from the date of receipt of copy of this order.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Judicial Magistrate No.3,
Salem.
2. The Judicial Magistrate No.5,
Salem.
3. The Chief Judicial Magistrate,
Salem.

+1cc to Mr.M.Devaraj, Advocate, S.R.No.57801

+1cc to Mr.N.Manokaran, Advocate, S.R.No.57974

CRL.O.P.No.8583 of 2017

PM(CO)
RGA(18/11/2021)