



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23/12/2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.17739 of 2017

a n d

CrI.M.P.No.10849 of 2017

K.K.Azhagirinathan ...Petitioner/Petitioner/Complainant

Vs

K.R.Sivakumar ...Respondent/Respondent/Accused

PRAYER:Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 23/6/2017 made in C.M.P.No.713 of 2017 in C.C.No.474 of 2013 on the file of the learned Judicial Magistrate, Kangayam.

For Petitioner ... Mr.N.S.Sivakumar

For Respondent ... Mr.J.Daniel

O R D E R

This Criminal Original Petition has been filed to set aside the order, dated 23/6/2017, passed in C.M.P.No.713 of 2017 in C.C.No.474 of 2013, pending on the file of the learned Judicial Magistrate, Kangayam.

2. Brief facts which are necessary for the disposal of this case is as follows:-

C.M.P.No.713 of 2017 has been filed by the petitioner/complainant to amend the short and long cause title to add "S Private Limited" after P.S.G.Spining Mills. The learned Judicial Magistrate, Kangayam, dismissed the petition, observing that the petitioner filed the application at a very belated stage to fill up the lacuna. Being aggrieved, the petitioner has come before this Court praying for the relief as stated therein.

3.Heard the learned counsel appearing on either side and perused the materials available on record.



4. In short and cause title, it is mentioned as P.S.G Spinning Mills instead of P.S.G Spinning Mills Private Limited. This Court is of the view that it will not make any impact in deciding the proceedings under Section 138 of the Negotiable Instruments Act. The issuance of the cheque by the accused is not in dispute. In such a view of the matter, trial Court has rightly rejected the application on the ground of delay.

5. In view of the above, this Criminal Original Petition is dismissed. Trial Court is directed to dispose of the main case, within a period of two months, from the date of receipt of a copy of this order. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mvs

To

1. The learned Judicial Magistrate,
Kangayam.

+1cc to Mr.N.S.Sivakumar, Advocate, S.R.No.69322

Cr1. O.P. No.17739 of 2017

SSD(CO)
RGA(21/01/2022)