



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVA

Crl.O.P.(MD)No.5954 of 2021

WEB COPY

P.Anantha Jeganathan

: Petitioner

Vs.

S.Alagar

: Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., seeking for a direction to the learned District Munsif-cum-Judicial Magistrate, Illuppur, to take on file the unnumbered private complaint filed by the petitioner under section 200 Cr.P.C r/w 138 of the Negotiable Instruments Act and process the same in accordance with law.

(Prayer Amended as per the order of this court, dated 09.07.2021 made in Crl.MP(MD)No. 4501 of 2021 in Crl.OP(MD)No.5954 of 2021)

For Petitioner : Mr.G.Thiruvarutselvan

O R D E R

This petition has been filed by the petitioner seeking for a direction to the District Munsif-cum-Judicial Magistrate, Illuppur, to take on file the unnumbered private complaint filed by the petitioner under section 200 of Cr.P.C r/w 138 of the Negotiable Instruments Act and process the same in accordance with law.

2.Heard the learned counsel appearing for the petitioner.

3.The issue involved in this petition is very short in nature. The complaint has been filed by the petitioner originally before the Judicial Magistrate, Manapparai, as mentioned earlier, the offence is punishable under section 138 of the Negotiable Instruments Act and that came to be returned by the Judicial Magistrate, Manapparai, on 15.07.2020 stating that since the Bank, in which the petitioner is having account before which the disputed cheque has been presented for payment does not lie within the jurisdiction of the Judicial Magistrate Court, Manapparai. So, the petitioner again re-presented the same before the District Munsif-cum-Judicial Magistrate, Illuppur and that was returned, on 01.02.2021. The Bank in which, the petitioner is having account lies in Palakkurichi Main Road, Manapparai Taluk, Trichy District. In view of the amendment of the Negotiable Instruments Act, the jurisdictional court is, the court in whose the



petitioner/complainant is having account, before which the cheque has been presented and dishonoured. So, on that ground, the District Munsif -cum-Judicial Magistrate, Iluppur, has jurisdiction to entertain the complaint.

4. So, a direction is issued to the District Munsif-cum-Judicial Magistrate, Iluppur to process the complaint that has been re-presented by the petitioner in accordance with law. After process is over, the compliance report must be submitted to the Registry forthwith. The Registry is directed to return the original return petition to the counsel for the petitioner to enable him to re-present the same before the concerned court, after getting due acknowledgement. The petitioner must re-presented the same before the District Munsif-cum-Judicial Magistrate, Iluppur, within a period of 15 days from the date of receipt of a copy of this order.

5. With the above said direction, this Criminal Original Petition shall stand **disposed of**.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The District Munsif-cum-Judicial Magistrate,
Iluppur.

Copy to

The Section Officer, E.R. Section,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD)No.5954 of 2021

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