



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.18348 of 2021 and

CRL.M.P.(MD)Nos.10075 & 10076 of 2021

WEB COPY

G.Dinesh

... Petitioner/Respondent No.2

Vs.

Selvin Bright

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.332 of 2021 pending on the file of the learned Judicial Magistrate, Valliyoor and quash against the petitioner / respondent No.2 is concerned.

For Petitioner : Mr.P.Dhanasekaran

O R D E R

Heard the learned counsel appearing for the petitioner.

2.The petitioner is figuring as accused No.2 in C.C.No.332 of 2021 on the file of the Judicial Magistrate, Valliyoor.

3.It is private complaint. The respondent has filed the same for the offence under Section 138 of the Negotiable Instruments Act.

4.The learned counsel appearing for the petitioner pointed out that when the cheque was given to the respondent originally, it did not bear any date. I am not impressed by this argument. Under Section 20 of the Negotiable Instruments Act, a drawee can very well fill up the body of the cheque and present the same for collection. It is certainly open to the drawee to fill up the date and thereafter present the cheque for collection. Therefore, no case for invoking the jurisdiction of this Court has been made out.

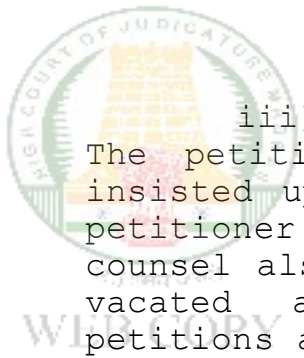
5.Leaving open all the other contentions and defences of the petitioner, this criminal original petition is dismissed. Taking note of the facts and circumstances of this case, the personal appearance of the petitioner before the Court below is dispensed with. However, the petitioner has to appear before the Court below on the following three occasions:-

i) To answer the charges,

ii) at the time of examination under Section 313 of Cr.P.C.

and

<https://hcservices.ecourts.gov.in/hcservices/>



iii) at the time of pronouncement of Judgment.
The petitioner also will have to appear when his presence is insisted upon by the trial Court and on all other occasions, the petitioner can be represented by his counsel. If the petitioner's counsel also fails to appear, the benefit of this order will stand vacated automatically. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

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:

1.The Judicial Magistrate,
Valliyoor.

Crl.O.P. (MD) No.18348 of 2021

24.11.2021

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