



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.7078 OF 2022

M/s.Samunnati Financial Intermediation
and Service private limited,
Rep. by its Consultant/Power Agent,
Mr.M.Kannan,
Having office at Baid Hi-tech Park,
8th Floor, 129-B, ECR,
Thiruvanmiyur,
Chennai - 600 041.

... Petitioner

.Vs.

1. M/s.Jayam Trust,
169, Vaipayuri Chettiyar Street,
Bye-pass Road, Kodumadi,
Erode, Tamil Nadu - 638 151.

2. P.Chitra

3. A.Appadakeer

4. T.Mythili

5. K.Shakila

6. R.Chandrakumaran

... Respondents

PRAYER:-

The Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to set aside the adjudication/daily order dated 01.03.2022 in the complaint filed by the petitioner and consequently, direct the Court below i.e, Fast Track Court-, Saidapet to process and number the complaint filed by the petitioner dated 01.03.2022 expeditiously.

For Petitioner : Mr.Nithyaesh Natraj



O R D E R

This Criminal Original Petition has been filed seeking to set aside the adjudication/daily order dated 01.03.2022 in the complaint filed by the petitioner and consequently, direct the Court below i.e, Fast Track Court-, Saidapet to process and number the complaint filed by the petitioner, dated 01.03.2022, expeditiously.

2. The learned counsel for the petitioner submitted that the petitioner has filed a complaint on 25.02.2022 under Section 138 of the Negotiable Instrument Act. The complaint was presented on 01.03.2022. Despite the complaint accompanied by the affidavits and documents and they being found to be in order, the trial Court had failed to take cognizance of the same and by docket order dated 01.03.2022, the trial Court had adjourned the matter to 29.04.2022. He further submitted that, when the complaint is found to be in order, the trial Court is bound to take cognizance and direct issuance of summons. In support of his contention, the learned counsel would rely on the judgment of the Hon'ble Apex Court in the case of Indian Bank Association and others Vs Union of India and Others, reported in (2014) 5 SCC 590.

3. Heard the learned counsels appearing for the petitioner and perused the materials available on records.

4. The Hon'ble Apex Court in the case of Indian Bank Association and others referred supra had issued several directions for speedy disposal of cases under the Negotiable Instrument Act. It is useful to refer to the directions at para 23.1 which reads as follows:

"23.1.The Metropolitan Magistrate/Judicial Magistrate (MM/JM), on the day when the complaint under Section 138 of the Act is presented, shall scrutinise the complaint and, if the complaint is accompanied by the affidavit, and the affidavit and the documents, if any, are found to be in order, take cognizance and direct issuance of summons."

When the complaint is found to be in order, the trial Court has to take cognizance and direct issuance of summons.



5. The Trial Court is directed to comply with the above directions at para 23.1 of the Hon'ble Apex Court.

6. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nr/vkr

To

The Metropolitan Magistrate,
The Fast Track Court
at Magisterial Level-III,
Chennai - 15.

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SKM(CO)
PBS/22/04/2022