



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL.O.P.NO.21985 OF 2018 &
CRL.M.P.NOS.12073 & 12153 OF 2018

Meera Arun

...Petitioner / Accused-3

Vs

IDBI Bank Limited
Rep. by its Deputy General Manager,
Shri R.Venkatachalam,
Branch Office at No.115, Anna Salai,
Post Box No.805,
Saidapet, Chennai - 600 015.

...Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records relating to the C.C.No.117 of 2018 pending on the file of the III Fast Track Metropolitan Magistrate at Saidapet, Chennai and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.D.Ashok Kumar

For Respondent : Notice sent,
Service awaited.

O R D E R

This petition has been filed to quash the C.C.No.117 of 2018 pending on the file of the learned III Fast Track Metropolitan Magistrate at Saidapet, Chennai filed against the petitioner for the offences punishable under Sections 138(b) and 141 of the Negotiable Instruments Act.

2. The main contention of the learned Counsel for the petitioner is that he has given the cheque towards security and hence, the same cannot be enforceable. Such contention is not maintainable and that is not the ground to quash the entire proceedings. As the special rule of evidence governing the cheque, the onus lies on the drawer of the cheque to dislodge the presumption attached to it. It is for the petitioner to discharge the legal presumption before the trial Court.



3. With the above observations, this Criminal Original Petition is dismissed. The accused is directed to appear before the trial Court within two weeks from the date of receipt of copy of this order and file an application under Section 436 of the Code of Criminal Procedure. On such filing of the application, the trial Court is directed to release the accused on bail on the same day on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties. If thereafter, he absconds, a fresh F.I.R. can be registered under Section 229A of the Indian Penal Code. The trial Court shall dispose of the order expeditiously. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

vrc / kbs

To

The III Fast Track Metropolitan Magistrate,
Saidapet, Chennai.

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GPL(CO)
RVM(16/02/2022)