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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL.O.P.NO.10375 OF 2022

AND

CRL.M.P.NOS.6194 &6196 OF 2022

Mr.N.Thillai Senu

...Petitioner

Versus

G.K.Shankar

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to C.C.No.1225 of 2020 on the file of V Fast Track Metropolitan Magistrate, Saidapet, Chennai filed by the respondent and quash the same.

For Petitioner : M/s.A.D.Janarthanan

O R D E R

This Criminal Original Petition has been filed to quash the proceedings against the petitioner in C.C.No.1225 of 2020 on the file of the V Fast Track Metropolitan Magistrate, Saidapet, Chennai, for the offence under Section 138 of Negotiable Instruments Act.

2. Learned counsel for the petitioner would contend that this complaint is a motivated one and the petitioner herein has been falsely implicated in this case. Such contentions have no force in the eye of law. When a cheque of a person which was presented for encashment gets dishonoured and statutory notice is also sent, the cause of action arises for initiation of criminal prosecution. It is for the accused to rebut the legal presumption available under 118 and 139 of the Negotiable Instrument Act.

3. In such view of the matter, this Court at this stage cannot make a roving enquiry or conduct mini trial to find out whether there is a legally enforceable debt or not. Therefore, this Criminal Original Petition is dismissed. However, the trial Court is directed to expedite the trial and dispose of the case



preferably within a period of 6 months from the date of receipt of a copy of this order.

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Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

ksa-2/nr

To

The V Fast Track Metropolitan Magistrate,
Saidapet, Chennai

+1cc to M/s.A.D.Janarthanan, Advocate, Sr.No.32592

Crl.O.P.No.10375 of 2022
and
Crl.M.P.Nos.6194 &6196 of 2022

PMK (CO)
RVM(22/06/2022)