



Crl.O.P No.27608 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.27608 of 2022

and

Crl.M.P. No.16961 of 2022

Karthigaiselvam

...

Petitioner/Accused

Vs.

G.Anand

...

Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to the proceedings in C.C.No.67 of 2019 on the file of the Fast Track Judicial Magistrate II, Coimbatore and quash the complaint.

For Petitioner : Mr.A.Parthasarathy

ORDER

This Criminal Original Petition has been preferred to call for the records pertaining to the proceedings in C.C.No.67 of 2019 on the file of the Fast Track Judicial Magistrate II, Coimbatore and quash the same.

2.The learned counsel for the petitioner submitted that the alleged cheque



dated 16.8.2018 is said to have been given by the petitioner was presented for collection only on 27.11.2018 and hence it is barred by limitation for the offence under Section 138 (a) of the Negotiable Instruments Act-1881. The learned counsel for the petitioner submitted that he came to know these facts during the cross examination of PW1.

3. On perusal of the complaint, it is seen that the complaint has been issued for two cheques bearing Nos.580928 and 580930. The petitioner has no grievance about the other cheque dated 29.01.2018. One case has been filed for three cheques. Even if the submission of the petitioner is to be considered to be correct, on its face value, the entire case could not be quashed. Further, the trial has already commenced and it is for the learned trial Judge to appreciate the evidence if any pointed out by the petitioner from the deposition of PW.1.

In view of the above stated reasons, this Criminal Original Petition stands **dismissed**. However, the petitioner is at liberty to take up the above point during his arguments before the learned trial Judge. Consequently, connected miscellaneous petition is dismissed.

11.11.2022

Index : Yes/No



Crl.O.P No.27608 of 2018

Speaking Order : Yes / No
jrs

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To

The Fast Track Judicial Magistrate II,
Coimbatore.



WEB COPY



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R.N.MANJULA, J.,

jrs

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