



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.(MD)No.228 of 2020

and

Crl.M.P.(MD)No.2077 of 2020

R.Saravanan

... Petitioner/Accused

Vs.

S.Jesuraj

... Respondent/Complainant

Prayer: This Criminal Revision Case is filed under Section 397 r/w. 401 of Cr.P.C., to call for the records and modify the order dated 07.02.2020 passed in S.T.C.No.744 of 2013 on the file of the learned Judicial Magistrate No.IV, Trichy.

For Petitioner : Mr.K.Jeyamohan

For Respondent : Mr.N.Anandhakumar

O R D E R

This criminal revision case has been filed against the order dated 07.02.2020 passed in S.T.C.No.744 of 2013 by the learned Judicial Magistrate No.IV, Trichy, thereby reopened the case and issued summons to the Manager, UCO Bank, Navalur Kuttapatti Trichy Branch.

2.The respondent has given a complaint against the petitioner for the offence under Section 138 of the Negotiable Instruments Act. The case of the respondent is that the petitioner borrowed a sum of Rs.4,00,000/- from him on 24.01.2011 and in order to repay the same, he issued a cheque drawn in the name of UCO Bank, Navalur Kuttapatti Trichy Branch. The said cheque was presented for collection and the same was dishonoured for the reason "no such account available for the petitioner" in UCO Bank, Navalur Kuttapatti Trichy Branch.

3.After examination of P.W.1, the case was posted for judgment. The learned Judicial Magistrate found that though the petitioner did not hold any account in UCO Bank, Navalur Kuttapatti Trichy Branch, he admitted the issuance of cheque. Therefore, the learned Judicial Magistrate issued summons to the Manager, UCO Bank, Navalur Kuttapatti Trichy Branch to ascertain the fact that whether the petitioner possesses any account in UCO Bank, Navalur Kuttapatti Trichy Branch or not.



4.The learned counsel for the petitioner vehemently contended that the complainant himself admitted that the cheque was dishonoured for the reason "no such account available for the petitioner" in UCO Bank, Navalur Kuttapatti Trichy Branch. Therefore, the trial Court ought not to have issued summon to the Banker to verify whether the petitioner is having any account or not. Though the cheque was returned for the reason that the petitioner is not having any account in the Bank, the banker returned the cheque for some other reason also. Therefore, it is necessary to summon the Manager of UCO Bank, Navalur Kuttapatti Trichy Branch to ascertain the said fact. Therefore, this Court finds no infirmity or illegality in the order passed by the learned Judicial Magistrate No.IV, Trichy. It is made clear that the learned Judicial Magistrate No.IV, Trichy is directed to issue fresh summon to the Manager, UCO Bank, Navalur Kuttapatti Trichy Branch and complete his examination within a period of two weeks from the date of receipt of a copy of this order and conclude the trial on merits and in accordance with law within a period of four weeks thereafter.

5.With the above observations, this criminal revision case is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

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/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Judicial Magistrate No.IV,
Trichy.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.JEYAMOHAN, Advocate (SR-9844[F] dated 03/03/2022)

PKP
12/02/2022
2P/4C

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