



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.4616 of 2021

and

Crl.M.P.(MD).Nos.2580, 8101 and 8103 of 2021

1.S.J.Engineers Renewable Energy Private Limited,
No.27, Krishna Colony,
Trichy Road,
Coimbatore-641005.

2.Ramasubramanian

3.Sridhar

...Petitioners/Accused No.2 to 4

Vs.

D.Lenin

...Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records from the trial Court in S.T.C.No.37 of 2021, on the file of Special Court for the Exclusive Trial of Negotiable Instruments Act Cases, Tirunelveli and quash the same as illegal as far as petitioners' concerned.

For Petitioners : Mr.J.Jeyakumaran

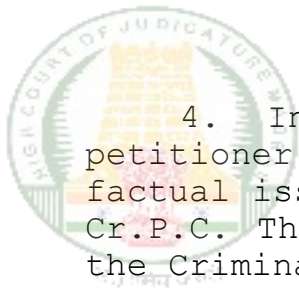
For Respondent : Mr.S.M.Mohan Gandhi

ORDER

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

2. This Criminal Original Petition has been filed to quash the impugned proceedings initiated by the respondent as a private complaint under section 169 of N.I. Act.

3. The learned counsel for the petitioner submits that the second petitioner Ramasubramanian has passed away. The learned counsel for the petitioner would contend that two cheques were given to the complainant and that the first cheque was encashed before the presentation of the second cheque. The petitioner came to know that the land in question was already sold by the complainant to a third party and that is why the petitioner has given stop payment instruction to the banker.



4. In short, the contention of the petitioner is that petitioner is not liable to honour the two cheques. This is a factual issue and cannot be decided in a petition under Section 482 Cr.P.C. Therefore leaving open all the contentions of the accused, the Criminal Original Petition is dismissed.

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5. Taking into consideration the facts and circumstances of the case, the personal appearance of the petitioner before the Court below shall stand dispensed with. The Court below will insist on the personal appearance of the petitioner only on three occasions namely, to answer the charges, examination under Section 313 of Cr.P.C., and at the time of pronouncing Judgment. On all other occasions, the petitioner need not appear before the Court below. However, on those occasions, the petitioner will have to be represented by his counsel. If the petitioner's counsel is also absent, the benefit of dispensing the personal appearance of the petitioner will stand automatically vacated. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Special Court for the Exclusive Trial of
Negotiable Instruments Act Cases, Tirunelveli

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

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-3276[F] dated 01/02/2022)

+1 CC to M/s.R.M.LOGANATHAN, Advocate (SR-3464[F] dated 01/02/2022)

Crl.O.P. (MD)No.4616 of 2021

31.01.2022

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