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Crl.R.C.(MD) No.636 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.636 of 2023
in
Crl.M.P(MD)Nos.9011 and 9012 of 2023

Rajapandian

: Petitioner

Vs.

Muthukumari

: Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records by setting aside the order, dated 18.04.2023 made in Cr.M.P.No.2478 of 2022 in S.T.C.No.248 of 2022 on the file of the learned Judicial Magistrate, Keeranur, Pudukkottai District.

For Petitioner

: Mr.R.G.Shankar Ganesh

ORDER

This Criminal Revision Petition is directed against order passed in Cr.M.P.No.2478 of 2022 in S.T.C.No.248 of 2022, dated 18.04.2023 on the file of the learned Judicial Magistrate, Keeranur, Pudukkottai District, dismissing the discharge petition.



2. The respondent/complainant has filed a complaint under Section 200 Cr.P.C against the petitioner for the offence under Sections 138 r/w 142 of Negotiable Instruments Act. During the pendency of the above, the petitioner has filed an application under Section 227 of Cr.P.C, for discharge.

3. The main contention of the petitioner is that the respondent's husband has already realized the entire loan amount through one cheque forcibly taken from the petitioner and the same was already intimated through legal notice and that subsequently the present case came to be filed on the basis of other two cheques allegedly taken from the petitioner.

4. It is the further case of the petitioner that he had agreed to repay the loan amount in five monthly installments as Rs.20,000/-; that the respondent's husband not agreeing for the same, had demanded five cheques, that when the petitioner was attempting to fill up the cheques, he had forcibly taken those cheques and the petitioner was not allowed to fill up the cheques and that through the cheque bearing No. 098425, they had taken the entire amount, but subsequently, the petitioner has lodged two complaints with two other cheques.



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5. The learned Judicial Magistrate, by observing that the aspects now canvassed by the petitioner can only be gone into at the trial and not at this stage, dismissed the petition.

6. Considering the facts and circumstances of the case and also the pleas/aspects canvassed by the petitioner, the above aspects are matter for trial and the same cannot be gone into at this stage. Hence, this Court concludes that the criminal revision is devoid of merit and the same is liable to be dismissed.

7. In the result, the Criminal Revision is dismissed. Since the cases are pending from 2022, the learned Magistrate is directed to dispose of the cases as expeditiously as possible preferably within a period of four months from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petitions are closed.

26.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To:-

- 1.The Judicial Magistrate, Keeranur,
Pudukkottai District.
- 2.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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CrI.R.C.(MD) No.636 of 2023

K.MURALI SHANKAR, J.

das

ORDER MADE IN
CrI.R.C.(MD)No.636 of 2023
in
CrI.M.P(MD)Nos.9011 and 9012 of 2023

26.06.2023