



WEB COPY



Crl.O.P.Nos.5774, 5775 and 5777 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.5774, 5775 and 5777 of 2023

And

CrL.M.P.Nos.3612, 3613 and 3614 of 2023

M.Prakash

... Petitioner in all Crl.O.Ps.
Vs.

P.N.Sathiya Moorthy

... Respondent in all Crl.O.Ps.

Common Prayer:

Petitions filed under Section 482 of Cr.P.C., seeking to set aside the order passed in C.M.Ps.13750, 13705 and 13747 of 2022 in S.T.C.Nos.9787, 9786 and 9788 of 2023 respectively, dated 06.01.2023 by the Court of Special Magistrate for Exclusive Trial of Cases CCB, CBCID, Egmore, Chennai.

(Amended as per order dated 31.01.2024 in CrL.M.P.Nos.1312, 1314 and 1316 of 2024 in Crl.O.P.Nos.5775, 5774 and 5777 of 2023)

For Petitioner : Mr.C.Vidhusan
For Respondent : M/s.N.A.Mohamed Noohu

COMMON ORDER

These criminal original petitions have been filed challenging the



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orders passed in C.M.P.Nos.13750, 13705 and 13747 of 2022 respectively dated 06.01.2023 under Section 143 A of the Negotiable Instruments Act, directing the petitioner to deposit 10% of the cheque amount within 60 days.

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

3.The petitioner is facing trial before the Court below for offences under Section 138 of the Negotiable Instruments Act. In each case, the allegation made against the petitioner is that the petitioner was approaching various Doctors and introducing himself be a Doctor and he was collecting money from them on the ground that he is going to construct a hospital. Ultimately, no hospital was constructed. In discharge of the liability, the petitioner had issued cheques in favour of the complainant. These cheques were dishonoured which resulted in the filing of the complaint.

4.In the considered view of this Court, the order passed by the Court below does not suffer from any illegality or infirmity and it does not require the interference of this Court. Apart from that it is also



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necessary to take note of the antecedents of the petitioner. The petitioner is said to have collected nearly Rs.6.70 Crores from various Doctors with a false promise that he is going to construct a hospital. The petitioner also introduced himself to be a Doctor. Ultimately it was found that the petitioner was involved in cheating which resulted in a criminal case. While dealing with the bail petitions filed by the petitioner, this Court took note of the modus operandi that was adopted by the petitioner and the bail petitions were dismissed. This factum must also be kept in mind and hence, the order passed by the Court below directing the petitioner to deposit 10% of the cheque amount, gets strengthened due to this fact also.

5.The learned counsel for the petitioner submitted that false cases have been foisted against the petitioner and that the petitioner has a very strong defence in all the cases and according to the petitioner, there is absolutely no legally enforceable debt and the cheques have been taken by fraud.

6.The above submission made by the learned counsel for the petitioner can be raised as a defence before the Court below. However, considering the enormity of the case and the antecedent of



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the petitioner, this Court does not find any ground to interfere with the order passed by the Court below directing the petitioner to deposit 10% of the cheque amount.

7.In the result, all these criminal original petitions stand dismissed. The petitioner is directed to deposit 10% of the cheque amount, within a period of 45 days from today. The Court below is directed to dispose of S.T.C.Nos.9787, 9786 and 9788 of 2023 respectively, within a period of three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

31.01.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.Court of Special Magistrate for Exclusive Trial of Cases CCB,
CBCID, Egmore, Chennai
- 2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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N.ANAND VENKATESH,J.
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31.01.2024