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Crl.R.C.No.845 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.845 of 2024

K.Dhanapal

... Petitioner

Vs.

M/s.Dollar Industries Limited,
Rep.by its Power of Attorney,
S.Balasubramaniam,
S/o.Subramaniam,
D.No.8/634, Avinashigounderpalayam,
Angeripalayam Road,
Tirupur-3.

... Respondent

PRAYER : Criminal Revision filed under Sections 397 and 401 of the code of Criminal Procedure, to set aside the order dated 14.03.2024 in Crl.M.P.No.1274 of 2024 in S.T.C.No.39 of 2018 on the file of the Judicial Magistrate (Fast Track Court), Tiruppur.

For Petitioner : Mr.K.Sudhakar

ORDER

The Criminal Revision Case is filed against the order dated 14.03.2024 passed in Crl.M.P.No.1274 of 2024 in S.T.C.No.39 of 2018 by the learned Judicial Magistrate (Fast Track Court), Tiruppur.



Crl.R.C.No.845 of 2024

WEB COPY

2. The learned counsel appearing for the petitioner submits that the petitioner is arrayed as accused in the complaint filed by the respondent under Section 138 of Negotiable Instruments Act, which was taken on file in S.T.C.No.39 of 2018, wherein, the petitioner has filed a petition under Section 245 (2) Cr.P.C to examine the respondent's Bank, namely, Karnataka Bank, P.N.Road, Tirupur, to mark the letter issued by the petitioner relating to stop payment of cheque as evidence against the instrument presented by the respondent, however, the same was dismissed. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that immediately after issuance of instrument in favour of the respondent, the petitioner has given a stop payment of cheque letter to the concerned Bank, however, the respondent has made a private complaint against the petitioner under Section 138 of Negotiable Instrument Act. Hence, it is necessary to examine the concerned Bank to mark the stop payment of



Crl.R.C.No.845 of 2024

WEB COPY

cheque letter issued by the petitioner before the trial Court to prove his innocence, however, the trial Court has dismissed the petition. Hence, he prays for appropriate orders.

4. Since no adverse order is going to be passed against the respondent, notice to the respondent is dispensed with.

5. Admittedly, the petitioner has issued a cheque in favour of the respondent/complainant and it was returned with endorsement "stop payment of cheque letter issued by the petitioner", hence, the respondent has made a private complaint before the learned Judicial Magistrate (Fast Track), Tiruppur under Section 138 of Negotiable Instrument Act and it was taken on file in S.T.C.No.39 of 2018, wherein, the petitioner has filed a petition in Crl.M.P.No.1274 of 2024 for examination of the witness, viz., Karnataka Bank, P.N.Road, Tirupur, on the ground that immediately after issuance of cheque in favour of the respondent, he has issued a letter for stop payment of cheque to the Bank. However, it is not a ground to examine the Bank and in



Crl.R.C.No.845 of 2024

WEB COPY

order to discharge his liability, he has issued a cheque in favour of the respondent and it was returned with endorsement "stop payment of cheque letter issued by the petitioner" and therefore, the respondent has made a private complaint. Moreover, the letter relating to stop payment of cheque issued by the petitioner is very much available with him, however, he has not marked it before the Court below, instead, he has filed the petition to examine the Bank for proving his innocence which is not sustainable and the Court below has rightly considered the said aspect and dismissed the petition. Hence, the impugned order dated 14.03.2024 passed in Crl.M.P.No.1274 of 2024 in S.T.C.No.39 of 2018 by the learned Judicial Magistrate (Fast Track Court), Tiruppur, does not require any interference from this Court.

6. Accordingly, the Criminal Revision Case is dismissed.

05.06.2024

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



Crl.R.C.No.845 of 2024

WEB COPY

To

The learned Judicial Magistrate (Fast Track Court), Tiruppur.



WEB COPY



Crl.R.C.No.845 of 2024

M.DHANDAPANI, J.

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Crl.R.C.No.845 of 2024

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