



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 22892 of 2022

& CrL.MP.No. 14692 & 14693 of 2022

1 Swarnamukhi

...Petitioner(s)

Vs.

1 Srinivasa Perumal

...Respondent(s)

PRAYER : This petition has been filed under Section 482 of Cr.P.C , to
Call for the records in STC No. 214 of 2022 on the file of the learned
Judicial Magistrate No.III, Pondicherry for the alleged offence under Section
138, 142 of the Negotiable Instrument Act, 1988 r/w Section 420 IPC and
other offences may disclosed during the course of the trial and quash the
same.

For Petitioner : Ms.S.Swaminathan

For R1 : Mr.B.Jawahar

ORDER



The petitioner herein filed this petition to Call for the records in STC No. 214 of 2022 on the file of the learned Judicial Magistrate No.III, Pondicherry for the alleged offence under Section 138, 142 of the Negotiable Instrument Act, 1988 r/w Section 420 IPC and other offences may disclosed during the course of the trial and quash the same.

2. The respondent herein filed the private complaint against the petitioner for the offence punishable under Section 138 and 142 of Negotiable Instrument Act before the Judicial Magistrate No.III, Pondicherry, and the same was taken on file in STC No. 214 of 2022. According to the respondent, cheque dated 20.01.2020 issued by the petitioner was dishonored as funds insufficient. Thereafter, the respondent filed the complaint after issuing the notice.

3. The learned counsel for the petitioner submits that the proceedings initiated against the petitioner is beyond the period of limitation which is 610 days but the learned magistrate without following the procedure taken the case on file as such is erroneous and liable to be set aside. Hence, he prays to allow this petition.

4. The learned counsel for the respondent submits that due to covid



pandemic the respondent was not able to lodge the complaint and also the Hon'ble Apex Court has relaxed the period of limitation to that effect he produced the copy of the order.

5. Coming to the facts of the case, the notice issued the respondent was refused by the petitioner on 09.04.2020. Admittedly, the covid pandemic was ends in the year of 2022 and the present complaint was filed in the year January 2022. Therefore, the reason for delay in filing the complaint is not acceptable one. Further, in the affidavit filed by the respondent the reason for delay is not mentioned as due to the covid pandemic. However, the liberty is granted to the petitioner to put forth his contention before the Trial Court. Further, the age of the petitioner is more than 70 years, hence his appearance is ordered to be dispensed with. Further, the Trial Court is directed to complete the Trial within a period of six months from the date of receipt of a copy of this order.



6. In the result, this petition is dismissed. No Costs. Pending petition,
if any, shall stands disposed of.

05.03.2024

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To
The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.



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