

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.28111 of 2018
and Crl.M.P.Nos.16347 & 16348 of 2018

1.M/s.Sree Dattha Group of Educational Institutions,
Represented by its Chairman,
Mr.G.Panduranga Reddy

2.Mr.G.Panduranga Reddy ...Petitioners
Vs.

B.Sivakumar
...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records in C.C.No.94 of 2018 on the file the Fast Track Magistrate Court at Ambattur, quash the entire proceedings as against the accused.

For Petitioners : Mr.C.R.Malarvannan

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.94 of 2018, on the file the Fast Track Magistrate Court, Ambattur. The petitioners are the accused persons facing trial before the Court below for an offence under Section 138 of Negotiable Instruments Act.

2 The learned counsel for the petitioner would submit that as per the allegations made in the complaint, the cheque is said to have been given towards the salary of the respondent. The learned counsel would submit that during the relevant point of time, the respondent was actually working in another educational institution and therefore the very basis on which the complaint has been filed is unsustainable. The learned counsel for the petitioner would submit that the complaint does not fulfill the minimum requirement of debt or liability on the date on which the cheque is said to have been drawn.

3 The issues that have been raised by the learned counsel for the petitioner are factual in nature. This court cannot go into the said issue and the same requires appreciation of evidence. The petitioner is at liberty to raise all these issues

before the Court below during the course of the proceedings and the Court below shall consider the same on its own merits and in accordance with law.

4 The learned counsel for the petitioner would submit that the petitioner is the Chairman of the Educational Institution and he is also an aged person who is living in Hyderabad and therefore the presence of the petitioner may be dispensed with before the Court below.

5 Taking into consideration the facts and circumstances of the case, the presence of the petitioner is dispensed with and he shall be represented by a counsel. The petitioner shall be present before the Court at the time of questioning under Section 313 and at the time of passing of the judgment. The counsel representing the petitioner shall cross examine the witnesses on the same day they are examined in chief. The petitioner shall not question the identity of any witnesses.

6 This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.94 of 2018 within a period of three months from the date of receipt of a copy of this order. The petitioner shall cooperate with the proceedings and shall ensure that the proceedings are completed within the time stipulated by this Court. Consequently, connected miscellaneous petitions are also closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rpl

To

1. The Judicial Magistrate
Fast Track Court
Magistrate Level , Ambattur..

+1 CC to Mr.C.R.Malarvannan, Advocate sr 83390.

CrI.O.P.No.28111 of 2018
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MP (CO)
SP (21/12/2018)