



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD) Nos.11139, 11147 and 11149 of 2017
and

CrI.M.P.(MD)Nos.7635 to 7638, 7640 and 7641 of 2017

V.Sam Robinson

... Petitioner in all CrI.O.Ps.,

Vs

C.Kolappa Pillai

... Respondent in all CrI.O.Ps.,

COMMON PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, to call for the records in connection with the complaint in S.T.C.Nos.46, 47 and 48 of 2017 on the file of the Judicial Magistrate No.II, Nagercoil, Kanyakumari District and quash the same.

For Petitioner

in all CrI.O.Ps., : Mr.R.Russel Raj

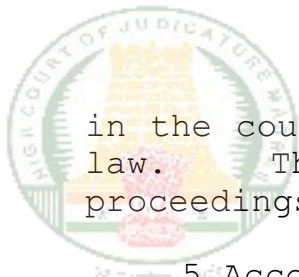
COMMON ORDER

These petitions have been filed to quash the proceedings in S.T.C.Nos.46, 47 and 48 of 2017 on the file of the Judicial Magistrate No.II, Nagercoil, Kanyakumari District.

2.The learned counsel for the petitioner has raised several grounds in order to justify the quashing of the complaint filed by the respondent.

3.The learned counsel for the petitioner would submit that the cheques that were taken as security, were misused by the respondent. This was also admitted by the respondent before the respondent police when a complaint was given before the respondent police by the petitioner.

4.All the grounds that have been raised by the learned counsel for the petitioner are factual in nature. This Court in exercise of its jurisdiction under Section 482 of Cr.P.C., cannot appreciate these facts since it falls within the realm of "appreciation of evidence". The Court below has to independently consider the facts



in the course of proceedings and decide the case in accordance with law. This Court does not deem it fit to interfere with the proceedings at this stage.

5. Accordingly, these criminal original petitions are dismissed. The presence of the petitioner shall be dispensed with and he shall be represented by a counsel before the Court below. The petitioner shall be present before the Court below only at the time of questioning under Section 313 Cr.P.C., and at the time of passing of the judgment.

6. The learned counsel representing the petitioner shall cross examine the witnesses on the same day, when they are examined in chief and the petitioner shall not dispute the identity of the witnesses. The Court below is directed to complete the proceedings within a period of three months from the date of receipt of copy of this order and report before this Court after completion of the proceedings. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-II)

To

The Judicial Magistrate No.II,
Nagercoil,
Kanyakumari District.

MM
TE/RSK/SAR-2 : 11/12/2018 : 2P/2C

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