



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.18888 of 2016

and

Crl.M.P.(MD)Nos.9426 & 9427 of 2016

Ferdiyan Rayan

... Petitioner/Accused

Vs.

Shanmugaraja

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in S.T.C No. 544 of 2016 on the file of the Learned Judicial Magistrate, Srivaikundam, Thoothukudi District and quash the proceedings.

For Petitioner	: Mr.A.Thiruvadikumar
For Respondent	: Mr.A.R.Jeyarhuthran

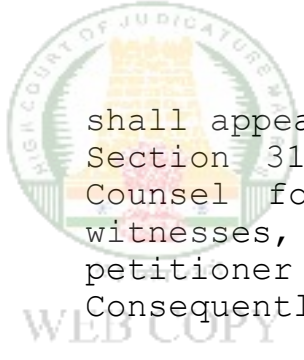
O R D E R

This petition has been filed to quash the proceedings in S.T.C No. 544 of 2016 on the file of the learned Judicial Magistrate Srivaikundam, Thoothukudi District.

2.The learned counsel for the petitioner would submit that the petitioner does not have any connection with the respondent and the cheque given by the petitioner to some other person, has been misused by the respondent.

3.In the considered view of this Court, the grounds raised by the petitioner are purely factual in nature. The said grounds can be raised only before the Court below, in the course of proceedings and the Court below shall consider the same on its own merits and in accordance with law.

4.Therefore, there is no merit in this petition. Hence, this Criminal Original Petition is dismissed with a direction to the Court below to complete the proceedings in S.T.C No. 544 of 2016, within a period of three months from the date of receipt of a copy of this order. The presence of the petitioner before the trial Court shall be dispensed with and the petitioner shall be represented by a counsel before the Court below. The petitioner



shall appear before the Court below at the time of questioning under Section 313 Cr.P.C. and at the time of passing judgment. The Counsel for the petitioner shall cross examine the prosecution witnesses, on the same day they are examined in chief and the petitioner shall not question the identity of the witnesses. Consequently, Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Judicial Magistrate,
Srivaikundam,
Thoothukudi District.
 2. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)
- + 1 CC TO Mr.A.THIRUVADI KUMAR, ADVOCATE IN SR No. 92194
+ 1 CC TO Mr.AR.JEYARHUTHRAM, ADVOCATE IN SR No. 92733

LS
TE/PM/SAR-3 : 19/11/2018 : 2P/6C

CrI.O.P. (MD) .No.18888 of 2016
25.10.2018