



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Cr1.O.P. (MD) .No.21002 of 2018

and

Cr1.M.P. (MD) .Nos.9712 and 9713 of 2018

1.Mohamed Jahangir

2. The Trustee

Haj Shek Ismail Engineering
College Group of Institution,
Esanoor, Keelaiyur,
Thirukuvalai, Nagapattinam District.

... Petitioners/Accused 1 & 2

Vs.

Sasi

... Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to the Private Complaint in S.T.C.No.22 of 2018, on the file of the Judicial Magistrate, Fast Track Court (ML), Theni and quash the same as illegal.

For Petitioners : Mr.J.Sulthan Basha
for M/s.Ajmal Associates

O R D E R

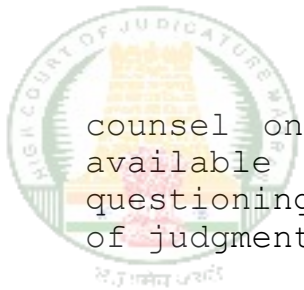
This Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.22 of 2018, on the file of the Judicial Magistrate, Fast Track Court (ML), Theni.

2. The learned counsel for the petitioners would submit that the cheque which was given towards security to one Perumal had been misused by the respondent/complainant, based on which, the proceedings under Section 138 of the Negotiable Instrument Act had been initiated. He would further submit that the petitioners have also sent a reply to the legal notice with regard to the same.

3. This Court is of the opinion that all these grounds can be raised before the trial court.

4. At this juncture, the learned counsel for the petitioners would submitted that the presence of the petitioners may be dispensed with before the trial Court.

5. Accepting the said submission, the presence of the petitioners before the trial Court shall be dispensed with on condition that they shall be duly and properly represented by a



counsel on all hearing dates and that they will make themselves available before the court for receiving copies, initial questioning, questioning under Section 313 Cr.P.C. and at the time of judgment.

6. The petitioners are further directed to give an undertaking in the form of affidavit that the counsel representing them will cross examine the complainant and her witnesses on the day they are examined in chief. The petitioners shall appear before the Court in the event if their presence is insisted by the trial Judge for the progress of the case. If the petitioners adopt any dilatory tactics, it is open to the trial court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, in **State of Uttar Pradesh Vs. Shambunath Singh**, reported in **(2001)4 SCC 667**.

7. In view of the above, this Criminal Original Petition is closed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Judicial Magistrate,
Fast Track Court (ML), Theni.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.Ajmal Associates, Advocate SR.No.97325

sjj

MK/ES/RSK/SAR 2/26.12.2018/2P/4C

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and
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