



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P. (MD) No.16627 of 2018
and
Crl.M.P (MD) .No.7370 of 2018

M.Subramanian : Petitioner /Accused
Vs.
P.Gunasekar : Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to call for the records in C.C.No.38 of 2017 on the file of the learned Judicial Magistrate, Valliyoor and quash the same.

For Petitioner : Mr.R.J.Karthick

ORDER

This quash petition has been filed challenging the 138 Negotiable Instrument Act proceedings pending in C.C.No.38 of 2017 on the file of the learned Judicial Magistrate, Valliyoor.

2.The learned counsel for the petitioner raised several grounds and one of the main ground raised by the learned counsel is that there is discrepancy in the cheque number between the statutory notice and the complaint filed before the Court below. This is an issue, which can be decided only at the time of trial and this Court does not find any ground to interfere with the proceedings at this stage in this quash petition. The petitioner shall raise all the grounds before the Court below and the Court below shall consider the same on its own merits.

3.The learned counsel for the petitioner submitted that the presence of the petitioner before the trial Court may be dispensed with.

4.Accepting the said submission, the presence of the petitioner is dispensed with on condition that the petitioner shall appear at the time of questioning under Section 313 of Cr.P.C and at the time of passing judgment. On all the other occasions the petitioner shall be represented by counsel. The learned counsel representing the petitioner shall cross-examine the witnesses on the very same day they are examined in Chief.

5.Accordingly, Criminal Original Petitions is dismissed with the above direction. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL SIDE)

/True Copy/



To

1. The Judicial Magistrate, Valliyoor.

+1cc to Mr.R.J.KARTHICK,ADVOCATE,SR.NO.84926

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and
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RMK

MKH-KK/SV/SAR3/2P-3C/16.10.2018