



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD).No.18243 of 2018

and

Cr1.M.P.(MD).Nos.8127 and 8128 of 2018

R.Uma Rani

...Petitioner / Accused

Vs.

P.Ramesh

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the proceedings of impugned case in C.C.No.5 of 2018 on the file of Fast Track Court at Magisterial Level, Uthamapalaym, Theni District and quash the same.

For Petitioner

:Mr.RM.Arun Swaminathan

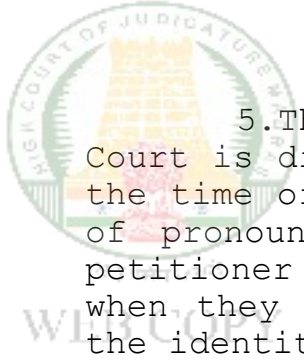
O R D E R

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.5 of 2018, on the file of the learned Judicial Magistrate, Fast Track Court, Uthamapalayam, Theni District.

2.The learned counsel for the petitioner would submit that there is no legally enforceable debt or liability in this case. That apart, the respondent could not have given such huge amount to the petitioner as loan, since the respondent is a Government servant. The learned counsel for the petitioner also raised several other issues.

3.All the issues raised by the petitioner are factual in nature. Therefore, this Court is sitting in exercising the jurisdiction under Section 482 Cr.P.C, cannot take into consideration these facts and it is left open to the petitioner to raise all these issues before the Court below in the course of proceedings. 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 presence of the petitioner may be dispensed with, since she is a house wife.



5.The personal appearance of the petitioner in the trial Court is dispensed with. She shall appear before the Trial Court at the time of questioning Under Section 313 Cr.P.C., and at the time of pronouncement of the Judgment. The Counsel, representing the petitioner shall cross examine the witnesses on the very same day, when they are examined in Chief. The petitioner shall not dispute the identity of the witnesses.

6.With this direction, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-I)

msa

To

The Fast Track Court at Magisterate Level,
Uthamapalayam, Theni District.

+1cc to Mr.RM.Arun Swaminathan, Advocate in SR No.90019

Cr1.O.P. (MD) .No.18243 of 2018
and
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NM/PM/SAR I/25.11.18/2P/3C.