



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1. OP (MD)No.15822 of 2013

and

MP(MD)No.1 of 2013

S.Devaraj

... Petitioner/Accused

Vs.

Krishnakumari

... Respondent/Complainant

Prayer : This Criminal Original Petition is filed Under Section 482 of Criminal Procedure Code to call for the records relating to the STC No.274 of 2013 on the file of the Judicial Magistrate No.1, Kuzhithurai and quash the same.

For Petitioner : Mr.S.Ramakrishnan

For Respondent : Mr.K.P.Narayana Kumar

ORDER

The petitioner has filed this petition for quashing STC No.274 of 2013 on the file of the Judicial Magistrate No.1, Kuzhithurai. This is a case arising under Section 138 of the Negotiable Instruments Act, 1881.

2.The learned counsel appearing for the petitioner pointed out that the cheque in question was actually drawn on the Nedugadi Bank, Marthandam. By the time, the cheque in question has been presented, the said bank got amalgamated with the Punjab National Bank in the year 2013. But, the cheque was presented by the third party Krishnakumari in the year 2013 and she has filed the complaint on 19.03.2013.

3.This Court is of the view that the grounds raised in this petition can very well be adjudicated before the Trial Court. The learned Trial Judge shall insist on the appearance of the petitioner herein only for answering the charges and at the time of examination of witnesses under Section 313 of Cr.PC and at the time of pronouncing judgement. Except the aforesaid occasions, on other hearing dates the petitioner can be permitted to be represented through counsel.



4. With this relief regarding dispensing with the personal appearance of the petitioner, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also dismissed.

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Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.I,
Kuzhithurai.

+1cc to Mr.K.P.Narayana Kumar, Advocate Sr.No.63229
+1cc to Mr.D.Christenson Jugunu, Advocate Sr.No.62999

SKM

VB/SKN/RSK/SAR3/06.07.2018/2P/4C

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