



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2018
CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P. (MD) .No.23333 of 2013
and
M.P. (MD) .Nos.1 & 2 of 2013

Mrs.Ulaga Nayagi ... Petitioner / Accused
Vs.
Mr.Suresh ... Respondent / Complainant

Prayer: The Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to call for the records from the lower Court in C.C.No.204 of 2013 on the file of the Judicial Magistrate, Tiruchendur, Tuticorin District and quash the same.

For Petitioner : Mr.K.Prabhu

For Respondent : Mr.S.R.Anbarasu

O R D E R

The petitioner has filed this Criminal Original Petition for quashing the C.C.No.204 of 2013 on the file of the Judicial Magistrate, Tiruchendur, Tuticorin District.

2. It is a case arising under Section 138 of the Negotiable Instruments Act. The grounds taken in this petition are to be canvassed only in a regular trial and they cannot be adjudicated in exercise of jurisdiction under Section 482 of the Criminal Procedure Code. Accordingly, the Criminal Original Petition is dismissed, leaving open all the defences available to the petitioner to be raised at the time of trial.

3. The trial Court shall insist on the appearance of the petitioner only when it is absolutely necessary and imperative. The petitioner shall be called upon to appear before the trial Court at the time of questioning, at the time of examination under Section 313 of Cr.P.C. and at the time of pronouncement of judgment. On all other occasions, the petitioner can be represented through his counsel. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

/True Copy/



+1cc to Mr.K.Prabhu, Advocate, SR.No.63698
+1cc to Mr.S.R.ANBARASU, Advocate, SR.No.63528

To
The Judicial Magistrate,
Tiruchendur,
Tuticorin District.

Cr1.O.P. (MD) .No.23333 of 2013
24.04.2018

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