

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.10672 of 2018

and

Crl.M.P Nos.5463 and 5464 of 2018

Nagarajan

...Petitioner

Vs.

R.Kathiravan

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records and quash all the proceedings in STC No.143 of 2018 on the file of the Judicial Magistrate Court No.3, Salem.

For Petitioner : Mr.B.Vasudevan

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 138 of the Negotiable Instrument Act.

2. The grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the Court and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and he shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in STC No.143 of 2018 within a period of six months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

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To

The Judicial Magistrate No.3,
Salem.

CRL.OP.No.10672 of 2018
and
Crl.M.P.Nos.5463 and 5464 of 2018

VSNII(CO)
SP(02/08/2019)