

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.11951 of 2019
and CrI.M.P Nos.6204 & 6205 of 2019

Kishore Nanwani

Petitioner

vs.

Valavan

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in S.T.C.No.1260 of 2014 on the file of the learned Judicial Magistrate No.II, Puducherry and quash proceedings therein as against the petitioner herein.

For Petitioner : Mr.T.Shanmugam

ORDER

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

2. The learned counsel for the petitioner raised various issues which are in the considered view of this Court are purely factual in nature. These issues will have to be raised before the Court below in the course of the proceedings and the Court below shall consider the same on its own merits and in accordance with law. It is also seen that the proceedings is of the year 2014 and this Court does not want to interfere with the proceedings at this stage.

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 and he shall be represented by a counsel who shall cross examine the witness 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. The Court below is directed to complete the proceedings within a period of three months from the date of receipt of a copy of this order.

4. This Criminal Original Petition is disposed of accordingly. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ssr

To

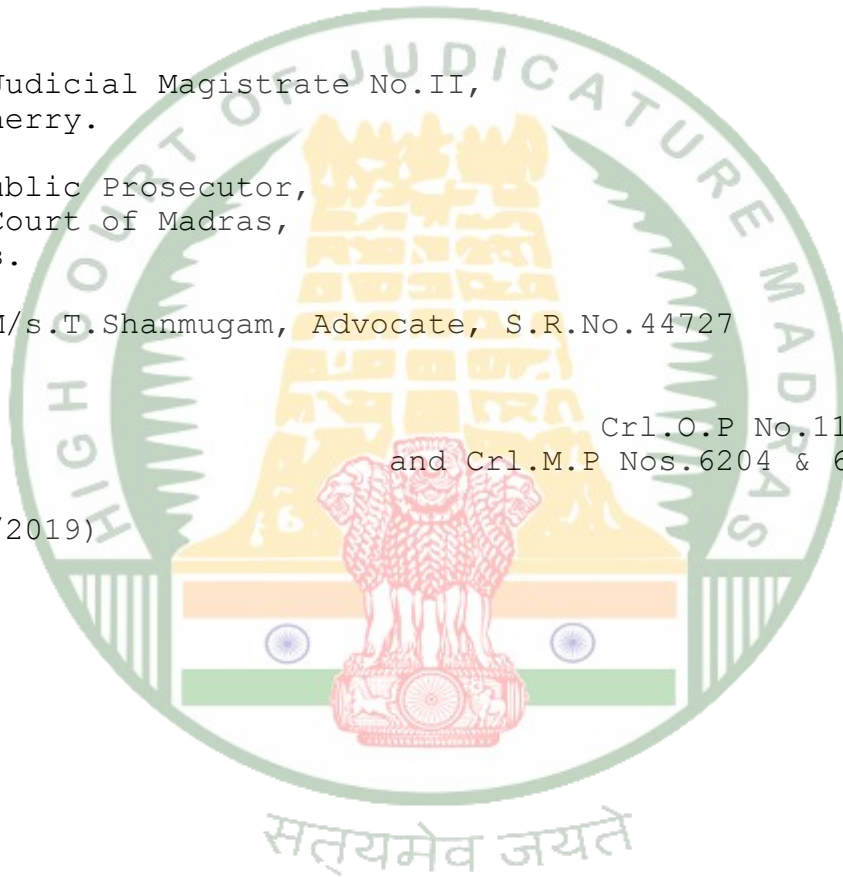
1. The Judicial Magistrate No.II,
Puducherry.

2. The Public Prosecutor,
High Court of Madras,
Madras.

+1 cc to M/s.T.Shanmugam, Advocate, S.R.No.44727

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(CO)
SSM(19/06/2019)



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