

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.16907 of 2019
and Cr1.M.P.Nos.8511 and 8512 of 2019

M.C.Balagopal

...Petitioner

-Vs-

T.R.Dhananjayan
represented by his Power Agent
Mrs.G.Kalanithi

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, (i) to stayall further proceedings in CC No.5341/16 on the file of XX Metropolitan Magistrate, Ripon Buildings, Chennai pending disposal of the quash petition; ii) to dispense with the personal appearance in CC No.5341/16 on the file of XX Metropolitan Magistrate, Ripon Buildings, Chennai pending disposal of the quash petition; (iii)to call for the records relating to proceedings in C.C.No.5341 of 2016, on the file of the XX Metropolitan Magistrate, Ripon Buildings, Chennai and quash the same.

For Petitioner : M/s.T.Surendran

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.5341 of 2016, on the file of the XX Metropolitan Magistrate, Ripon Buildings, Chennai.

2. The petitioner is facing charges for an offence under Section 138 of the Negotiable Instruments Act, before the Court below.

3. The various grounds raised by the learned counsel for the petitioner are all factual in nature and the same requires appreciation of evidence in the course of the trial and the said exercise cannot be done by this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to

the petitioner to raise all the grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law. This Court does not want to interfere with the proceedings at this stage.

4. 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.

5. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.5341 of 2016, on the file of the XX Metropolitan Magistrate, Ripon Buildings, Chennai, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

The XX Metropolitan Magistrate,
Ripon Buildings, Chennai.

Cr1.O.P.No.16907 of 2019

VD(CO)
GMY(30/08/2019)

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