

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.16537 of 2019

and

Crl.M.P No.8310 of 2019

S.Venkatraman

... Petitioner

vs.

K.Vimala

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.6449 of 2017, pending on the file of the XXIII Metropolitan Magistrate at Saidapet, Chennai-600 015 and quash the same.

For Petitioner : M/s.C.Umashankar

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 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.

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. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.6449 of 2017, on the file of the XXIII Metropolitan Magistrate at Saidapet, Chennai-600015, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vs

To

1.The XXIII Metropolitan Magistrate,
Saidapet, Chennai-600 015.

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

+1cc to Mr.C.Uma Shankar, Advocate, S.R.No. 53243

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BR(CO)
GN(19/07/2019)

सत्यमेव जयते

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