

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.14424 of 2019

and

Crl.M.P.Nos.7016 & 7017 of 2019

Arun Prasanna

... Petitioner

-Vs-

K.Selva Kavitha

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.C.No.1 of 2018 on the file of the learned Judicial Magistrate No.1, Chengalpattu and to quash the proceedings in C.C.No.1 of 2018 on the file of the learned Judicial Magistrate No.1, Chengalpattu against the petitioner herein.

For Petitioner : Mr.R.Chithiraputhiran

ORDER

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

2. The learned counsel for the petitioner has urged several grounds and has submitted that the entire proceedings is an abuse of process of law and there is no existing debt or liability for the respondent to sustain the complaint filed under Section 138 of the Negotiable Instruments Act.

3. This Court has carefully considered the submission made by the learned counsel for the petitioner and also the materials placed on record.

4. All the contentions raised by the learned counsel for the petitioner are purely factual in nature and the same cannot be gone into by this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. Those facts will have to be considered in the course of the proceedings and it involves appreciation of evidence. Therefore, the petitioner is at liberty to raise all the issues before the Court below and the Court below shall

consider the same on its own merits and in accordance with law.

5. This Court is not inclined to entertain this petition at this stage. The learned counsel for the petitioner requested this Court to dispense with the personal appearance of the petitioner.

6. Taking into consideration of the facts and circumstances of the case, the personal appearance of the petitioner is dispensed with and he shall be represented by a counsel before the Trial Court who shall cross examine the witnesses on the same day, they are examined in chief. The petitioner shall be present before the Court at the time of questioning under Section 313 Cr.P.C. and at the time of final judgment.

7. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.1 of 2018 within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

vv/vs

Sd/-
Deputy Registrar(C.S)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate No.1,
Chengalpattu.
2. -Do - The Chief Judicial Magistrate,
Kancheepuram.

+1cc to Mr.S.R.Chithiraputhiran, Advocate, SR.No.45784

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