

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP.No.14684 of 2019

and

CRL.M.P.Nos.7204 and 7206 of 2019

Mr.P.Bireswar Mondal

...Petitioner/Accused

Vs.

Mr.R.P.Balasubramaniam

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.44 of 2019 on the file of Judicial Magistrate (Fast Track Court-Magestrial Level) at Alandur and quash the same.

For Petitioner : Mr.K.Myilsamy

ORDER

This petition has been filed seeking to quash the proceedings initiated by the respondent against the petitioner under Section 138 of the Negotiable Instruments Act.

2. The learned counsel for the petitioner has raised several grounds which are all factual in nature and it requires appreciation of evidence. This Court cannot undertake that exercise, 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 same shall be considered on its own merits and in accordance with law.

3. This Court does not find any ground to interfere with the proceedings pending before the Court below.

4. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner.

5. Taking into consideration the facts and circumstances of the case, the presence of the petitioner is dispensed with and he shall be represented by the Counsel. The Counsel representing the petitioner 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 of Cr.PC and at the time of passing of final Judgment.

6. In the result, this Criminal Original Petition is dismissed and there shall be a direction to the Court below to complete the proceedings in C.C.No.44 of 2019 on the file of Judicial Magistrate (Fast Track Court-Magestrial Level) at Alandur , within a period of four months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

jas/rka

To

1. The learned Judicial Magistrate
(Fast Track Court-Magestrial Level)
Alandur.

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A.SK(08/07/2019)