

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.15149 of 2019
and
CrI.M.P.Nos.7383 and 7384 of 2019

Josephine Siria Pushpam ... Petitioner/Accused

Vs.

K.Venkatasubramaniam ... Respondent/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records and quash the complaint in C.C.No.1240 of 2015 on the file of the Fast Track Court-II, Metropolitan Magistrate, Egmore, Chennai-600 008.

For Petitioner : M/s.Waraon and Sai Rams

O R D E R

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

2.The learned counsel for the petitioner has raised various grounds before this Court and this Court is of the considered view that all these grounds are factual in nature and 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 these grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law. That apart the proceedings is of the year 2015 and it is not appropriate to interfere with the proceedings at this stage.

3.The learned counsel for the petitioner requested this Court to dispense with the appearance of the petitioner. Taking into consideration the facts and circumstances of the case, the presence of the petitioner is dispensed with and the petitioner shall be represented by an Advocate. The Advocate 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 below during the questioning under Section 313 of Cr.P.C. and at the time of the final judgment.

4.This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.1240 of 2015 within a period of three months from the date of receipt of a copy of this order. Consequently, connected CrI.M.P.No.7383 of 2019 is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

vs

To

1. The Metropolitan Magistrate No.II,
Fast Track Court,
Egmore, Chennai - 600 008.

+1 cc to M/s.Waraon and Sai Rams, Advocate, S.R.No.47907

CrI.O.P.No.15149 of 2019
and

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NRSK(CO)
SSM(03/07/2019)

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