

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.16733 of 2019

and

Crl.M.P Nos.8412 and 8414 of 2019

Parameswaran

....Petitioner/Accused No.2

Vs.

V.Yamunadevi

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in respect of the complaint filed by the respondent herein in C.C.No.123 of 2018 against the petitioner on the file of the Judicial Magistrate No.I, Namakkal and quash the same.

For Petitioner : Ms.N.Vijaya Basker

ORDER

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

2. The grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the Court and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

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. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.123 of 2018 within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

ssr

To

1. Judicial Magistrate No.I,
Namakkal.
2. Do Thro
The Chief Judicial Magistrate,
Namakkal.

+1cc to M/s.Law Vision, Advocate sr.54142

CRL.OP.No.16733 of 2019
and

CrI.M.P.Nos.8412 and 8414 of 2019

kk(co)
nr 26/07/2019

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