

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.15690 of 2019
and
Crl.M.P.Nos.7794 & 7795 of 2019

L.ManoharanPetitioner/Accused

Vs.

RajendranRespondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to (i) call for the records in connected with S.T.C.No.121 of 2018 pending on the file of the Hon'ble Judicial Magistrate Fast Track Court, Vellore and to quash the same. (ii) Grant an interim stay of all further proceeding in S.T.C.No.121 of 2018 pending on the file of the Judicial Magistrate Fast Track Court, Vellore, pending disposal of the Criminal Original Petition. (iii) Dispense with the personal appearance of the petitioner herein in S.T.C.No.121 of 2018 pending on the file of the Judicial Magistrate Fast Track Court, Vellore, pending disposal of the criminal Original Petition.

For Petitioner : Mr.P.C.Harikumar and Associates

ORDER

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

2. The grounds raised by 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 appearance of the petitioner. The presence of the petitioner is dispensed with and the learned counsel representing the petitioner shall cross examine the witnesses on the same day they are examined in chief and the petitioner shall not dispute the identify of the witnesses.

Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.T.C.No.121 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/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

The Judicial Magistrate
Fast Track Court, Vellore.

+lcc to Mr.P.C.Harikumar & Associates, Sr.49986

CRL.OP.No.15690 of 2019

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srg 11/07/2019

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