

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.16531 of 2019

and

Crl.M.P Nos.8306 and 8307 of 2019

1.A.John Santhosh Raj
2.R.Sandhiya
3.A.Amal Raj Joseph
4.Elizabeth
5.Anitha Seeli
6.A.Ravichandran
7.R.Karbagavalli

... Petitioners

vs.

S.Shine Fathima

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records pertaining to C.C.No.2 of 2019 on the file of the Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai and quash the same as abuse of process.

For Petitioners : M/s.Sreedhar R.

ORDER

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 various grounds raised by the learned counsel for the petitioners are all factual in nature and the same requires appreciation of evidence in the course of the trial and the said exercise cannot be done by this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioners to raise all the grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law. This Court does not want to interfere with the proceedings at this stage.

3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioners 2 to 7.

Taking into consideration, the facts and circumstances of the case, the presence of the petitioners 2 to 7 is dispensed with and they shall be represented by their counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioners 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.This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.2 of 2019, on the file of the Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vs
To

1.The Metropolitan Magistrate,
Additional Mahila Court,
Egmore, Chennai.

2. The Public Prosecutor,
High Court
Madras.

+1 CC to Mr.R. Sreedhar, Advocate sr 53345.

Cr1.O.P No.16531 of 2019
and

Cr1.M.P Nos.8306 and 8307 of 2019

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