

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.17416 of 2019
and
Cr1.M.P Nos.8777 & 8779 of 2019

Arulkumaran

... Petitioner

vs.

1.State by
The Inspector of Police,
Central Crime Branch,
Chennai.
[Crime No.289 of 2011]

2.Mythili

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in C.C.No.9585 of 2017 on the file of the XI Metropolitan Magistrate Court, Egmore, Chennai and quash the same.

For Petitioner : Mr.R.Damodharan

For Respondents: Mr.M.Mohamed Riyaz (for R1)
Additional Public Prosecutor

ORDER

This petition has been filed challenging the proceedings initiated by the 1st respondent police against the petitioner for an offence under Section 138 of Negotiable Instruments Act.

2. The various grounds raised by the learned counsel for the petitioner 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 petitioner 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 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. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.9585 of 2017, on the file of the XI Metropolitan Magistrate Court, Egmore, Chennai, within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar(CJ-CONF

//True Copy//

Sub Assistant Registrar

vs/jas

To

1.The XI Metropolitan Magistrate,
Egmore, Chennai.

2.The Inspector of Police,
Central Crime Branch, Chennai.

3.The Public Prosecutor,
High Court of Madras, Madras.

Crl.O.P No.17416 of 2019
and Crl.M.P No.8777 & 8779 of 2019

PA(CO)
CSL/30.07.2019

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